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GREAT DEBATES IN AMERICAN HISTORY

From the Debates in the British Parliament on the Colonial Stamp Act (1764–1765) to the Debates in Congress at the Close of the Taft Administration (1912–1913

EDITED BY

MARION MILLS MILLER, LITT.D. (PRINCETON)

Editor of "The Life and Works of Abraham Lincoln," etc.

IN FOURTEEN VOLUMES

EACH DEALING WITH A SPECIFIC SUBJECT, AND CONTAINING A SPECIAL INTRODUCTION BY A DISTINGUISHED AMERICAN STATESMAN OR PUBLICIST

VOLUME THREE

FOREIGN RELATIONS: PART TWO

With an Introduction by THEODORE ROOSEVELT, LL.D.
Ex-President of the United States

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INTRODUCTION

Nationalism and International Relations[1]

A MAN must first care for his own household before he can be of use to the state. But, no matter how well he cares for his household, he is not a good citizen unless he also takes thought of the state. In the same way a great nation must think first of its own internal affairs; and yet it cannot substantiate its claim to be a great nation unless it also thinks of its position in the world at large.

The United States of America has not the option as to whether it will or will not play a great part in the world. It *must* play a great part. All that it can decide is whether it will play that part well or badly. And it can play it badly if it adopts the rôle either of the coward or of the bully. Nor will it help it in the end to avoid either part if it play the other. It must avoid both. Democratic America can be true to itself, true to the great cause of freedom and justice, only if it shows itself ready and willing to resent wrong from the strong, and scrupulously desirous of doing generous justice to both strong and weak.

There are, of course, very few people who will openly take the position that we are justified in doing what is wrong simply because it is to our interest. But in actual practice there are always plenty of men willing to condone and excuse any wrongful act which they think is advantageous. These men by themselves never

[1] Adapted from an article in the *Outlook*, April 1, 1911.

form more than a minority, and usually a very small minority, of our people; but often the majority is supine, indifferent, or ill-informed, and thus may give a free hand to an unscrupulous minority. In making treaties, for instance, there must be give and take; and yet too often a treaty which represents actual performance in the present—as distinguished from the usually worthless type of general arbitration treaty which represents nothing but vague general promise for the future—will fail simply because our people permit a small section of their number to insist that it shall be all take and no give. Again, as the nation, and not the several States, has to deal with foreign powers, the nation should have complete control over all questions likely to cause trouble with foreign powers, and therefore should have the complete and fully recognized ability to protect all aliens in their treaty rights. Yet in actual practice occasions have not infrequently arisen which have shown rather pitiable national shortcomings in this respect.

I do not think, however, that, on the whole, much blame rests on us so far as *action* of this kind is concerned. I wish it were possible for us always to say as much as regards *speech*. Too many, both of our public men and publicists, seek at times to gratify themselves or their constituents in unworthy fashion by the use of insulting language in reference to foreign powers. The better American a man is, the more confident he is in America's strength and standing, the more ashamed he must be at every such exhibition of international bad manners on the part of any representative of our people. Courtesy is as much the mark of a gentleman as courage. If we respect ourselves, we individually show both qualities; and, in our collective capacity, we should demand of our representatives that the nation show both qualities in its dealings with other nations. We despise the coward; we despise no less heartily the loud-mouthed brawler. Bad manners and vituperation never yet won respect for either nation or individual. There is, however, a lower depth than is reached by those who merely show these shortcomings; that is, by those who, in addi-

tion to showing them, do their best to keep the country unprepared for the trouble which they are so lightly willing to provoke. Wantonly to insult a friendly nation is bad; to be unable ourselves to resist wrong is worse; but the lowest depth is reached by those who practice the policy of peace with insult, who are ever ready to join in measures or to use language extremely offensive to foreign powers, and who nevertheless by their votes or speeches on the question of national defence show that they lack either the far-sightedness or the patriotism to take thought of the interest of the nation in the years to come.

So much for those Americans who fall short of the proper standard of international good manners, and just and kindly treatment as regards foreign peoples. Now for the American who commits the even worse offence of endeavoring to make this nation the derision and butt of other nations by refusing to allow it to take proper measures for its own defence. Unfortunately, many of those often well-meaning persons who claim a leading position among the advocates of international peace have harmed their cause in the eyes of all really far-sighted and patriotic citizens by advocating for America a position which would be abjectly unworthy of her standing among the nations. This category includes those who opposed our war with Spain, those who opposed the subsequent enforcement of law and order in the Philippines, those who opposed the building up of the navy, and those who now oppose the fortification of the Panama Canal. Some of these men are misguided men of good character; others, however, are merely men who do not possess any keen sense of international honor, and who are perfectly willing to see this nation expose itself to the chance of discredit and disaster, because their own small souls would be unaffected by a national defeat which would make most Americans bow their heads with bitterness and shame. As regards these men, I should not have the slightest objection to their inviting the disaster that would come upon them if their wishes were fulfilled, were it not for the fact that the rest of us would unfortunately have

to share in the disaster. It is somewhat exasperating to reflect that we have to protect these particular peace advocates of the crazy type from themselves, and, in spite of their shrieking protests, guard them and their children against suffering their share of the national humiliation they do their best to bring about. If these men were capable of learning any lesson from history what has happened and is happening in China before their eyes would prove to them that a nation, however big, however industrious and populous, which is incapable of self-defence, not only invites humiliation for itself, but is a fruitful source of discord and possible war as regards other nations.

It behooves a democracy to remember that one of the favorite taunts leveled against it by the representatives of great military monarchies is that a democracy will never prepare for war, and will rarely show wisdom in choosing positions valuable for national defence. Unquestionably it is true that a democracy has plenty of bad advisers. Among these bad advisers are the foolish creatures who try to prevent our having a big navy and the equally foolish creatures who say that if we have a big navy there is no need of fortifications. As a matter of fact, fortifications should always be established on the land side as well as on the sea side; and one of their prime uses is to leave the navy footloose. If the Panama Canal were not fortified, in time of war we should either have to abandon it to any enterprising enemy, or else paralyze our fleet by employing it to defend the canal. If it is adequately fortified our fleet can absolutely disregard it save in so far as it fulfills the vital requisite of a first-class naval base. War vessels are inefficient substitutes for forts, and the poorest way to use a navy is to string the vessels in small groups in the ports along a coast, for then the enemy's navy can get them in detail. An unfortified Panama Canal would be a great source of weakness to this country; a fortified Panama Canal would enormously increase our strength. With the possible exception of Hawaii there is no other spot so necessary to fortify as the Panama Canal. We should have very few naval

bases. These few should be thoroughly fortified and strongly held, and among them the two most important are those above mentioned.

One of the difficulties in dealing with foreign affairs is the queer tendency of many people to treat desire on our part to have an adequate navy and coast fortifications as equivalent to the statement that we believe there will be a war, and as justifying offensive war talk. Most certainly we hear at times offensive, and therefore utterly improper, talk of war with some entirely friendly nation, now Germany, now England, now Japan. No one can regret such talk more than I do, and it is almost never indulged in by men who would themselves respond to the call to arms if war should unhappily come. A man who is of the type apt to be useful in war is usually of too serious a nature to talk with levity or brutality of war, or in such fashion as to provoke war. My hearty reprobation of this type of offensive agitation does not interfere in the least with my belief, in the first place, that war is unlikely with any power, and in the next place that we can render it still more unlikely, as well as guarantee ourselves against possible humiliation and disaster, by the exercise of moderate forethought and preparation. To the good people who, because we laugh at a war scare about the Japanese or Germans, think that therefore we should abandon the upbuilding of the navy and the proper care of the army, I feel inclined to put the question whether, if they own houses, they have them insured or not. If the house is insured against fire it does not in the least mean that the owner thinks it will be burned down; he thinks it unlikely that it will be burned down, but, as a prudent man, he wishes to discount even the slight risk. It is just so with us. In my time I have seen war scares about England, Germany, and Japan. I should regard war with any of the three as an unspeakable calamity. I admire all three nations. To speak only of the nation concerning which there has been most recent talk of war, I not only have a great respect and admiration for the Japanese, but I very strongly feel that we have much to learn from them. I regard a

good understanding between Japan and the United States as of capital consequence to this country, and as of the first importance from the standpoint of preserving peace in the Pacific. It would not be for the interest of either country to admit from the other country any considerable number of wageworkers, small farmers, or men engaged in small agricultural pursuits, and the wisest and most far-seeing men of both countries take the same view of this matter. But there should be the closest and friendliest relations between the two countries, conducted on a basis of absolute equality and of mutual regard and respect.

The American democracy not only owes it to itself to be thoroughly able and ready to defend America against any possible foes, but it also owes to itself the duty of treating in a spirit of genuine courtesy and friendliness all foreign powers; and as regards no power is this duty more incumbent than toward our great and friendly neighbor across the Pacific, that ancient empire which has all the most astounding vigor of youth—the Empire of Japan.

Theodore Roosevelt

CHAPTER I

Annexation of San Domingo

President Grant Negotiates Treaty of Annexation with the Dominican Republic; It Is Rejected by the Senate—He Returns to the Proposition in His Second Annual Message—Oliver P. Morton [Ind.] Introduces in Senate Joint Resolution to Investigate San Domingo—Debate: Varying Views by Allen G. Thurman [O.], John Sherman [O.], Garrett Davis [Ky.], Willard Warner [Ala.], Justin S. Morrill [Vt.], George F. Edmunds [Vt.], Thomas F. Bayard [Del.], Charles Sumner [Mass.], Senator Morton, James W. Nye [Nev.], Zachariah Chandler [Mich.], Roscoe Conkling [N. Y.]; Resolution Is Passed—Jacob A. Ambler [O.] Moves Proviso in the House That Congress Be Not Committed by the Investigation; Adopted—Resolution Passed by Congress—The Commission Recommends Annexation; Recommendation Not Acted Upon—The President's Vindication of His Motives.

PRESIDENT GRANT, through negotiations conducted by one of his private secretaries, Gen. Orville E. Babcock, made a treaty annexing the republic of Dominica (San Domingo) on November 29, 1869. This territory constituted the eastern portion (about two-thirds of the whole) of the island now known as Haiti, which is, next to Cuba, the largest of the West Indies, comprising 28,000 square miles. Announcing this treaty and assuming its ratification by the Senate, the President in his first annual message in December dilated upon the advantages which the annexation of the republic would bring to the United States, asserting that San Domingo would yield all the sugar, coffee, tobacco, and other tropical products which the country would consume.

The subject of confirming the President's treaty annexing the West Indian republic was discussed by the Senate in executive session, the speeches of which are not published. Finally, on June 30, 1870, the Senate by

a tie vote, 28 to 28, refused to confirm the treaty, to do which a three-fourths affirmative vote was required. The President, however, persisted in his project, upon which he had evidently set his heart, recommending it again in his second annual message at the convening of Congress early in the following December.

"Time," he said, "has only confirmed me in my former view." He believed that if we failed to annex the country a free port would be inaugurated in the Bay of Samana.

A large commercial city will spring up to which we will be tributary without receiving corresponding benefits, and then will be seen the folly of our rejecting so great a prize.

The acquisition of San Domingo is desirable because of its geographical position. It commands the entrance to the Caribbean Sea, and the isthmus transit of commerce. It possesses the richest soil, best and most capacious harbors, most salubrious climate, and the most valuable products of the forest, mine, and soil, of any of the West India islands. Its possession by us will in a few years build up a coastwise commerce of immense magnitude, which will go far toward restoring to us our lost merchant marine. It will give to us those articles which we consume so largely and do not produce, thus equalizing our exports and imports. In case of foreign war it will give us command of all the islands referred to, and thus prevent an enemy from ever again possessing himself of rendezvous upon our very coast. At present our coast trade between the States bordering on the Atlantic and those bordering on the Gulf of Mexico is cut in two by the Bahamas and the Antilles. Twice we must, as it were, pass through foreign countries to get by sea from Georgia to the west coast of Florida.

San Domingo, with a stable government, under which her immense resources can be developed, will give remunerative wages to tens of thousands of laborers not now upon the island. This labor will take advantage of every available means of transportation to abandon the adjacent islands, and seek the blessings of freedom and its sequence—each inhabitant receiving the reward of his own labor. Porto Rico and Cuba will have to abolish slavery, as a measure of self-preservation, to retain their laborers.

San Domingo will become a large consumer of the products of northern farms and manufactories. The cheap rate at which her citizens can be furnished with food, tools, and machinery

will make it necessary that contiguous islands should have the same advantages, in order to compete in the production of sugar, coffee, tobacco, tropical fruits, etc. This will open to us a still wider market for our products. The production of our own supply of these articles will cut off more than one hundred millions of our annual imports, besides largely increasing our exports. With such a picture it is easy to see how our large debt abroad is ultimately to be extinguished. With a balance of trade against us (including interest on bonds held by foreigners, and money spent by our citizens traveling in foreign lands) equal to the entire yield of the precious metals in this country, it is not so easy to see how this result is to be otherwise accomplished.

The acquisition of San Domingo is an adherence to the "Monroe doctrine"; it is a measure of national protection; it is asserting our just claim to a controlling influence over the great commercial traffic soon to flow from west to east, by way of the Isthmus of Darien; it is to build up our merchant marine; it is to furnish new markets for the products of our farms, shops, and manufactories; it is to make slavery insupportable in Cuba and Porto Rico at once, and ultimately so in Brazil; it is to settle the unhappy condition of Cuba and end an exterminating conflict; it is to provide honest means of paying our honest debts without overtaxing the people; it is to furnish our citizens with the necessaries of everyday life at cheaper rates than ever before; and it is, in fine, a rapid stride toward that greatness which the intelligence, industry, and enterprise of the citizens of the United States entitle this country to assume among nations.

In view of the importance of this question, I earnestly urge upon Congress early action, expressive of its views as to the best means of acquiring San Domingo. My suggestion is that, by joint resolution of the two houses of Congress, the Executive be authorized to appoint a commission to negotiate a treaty with the authorities of San Domingo for the acquisition of that island, and that an appropriation be made to defray the expenses of such commission. The question may then be determined, either by the action of the Senate upon the treaty, or the joint action of the two Houses of Congress upon a resolution of annexation, as in the case of the acquisition of Texas. So convinced am I of the advantages to flow from the acquisition of San Domingo, and of the great disadvantages, I might almost say calamities, to flow from non-acquisition, that I believe the subject has only to be investigated to be approved.

Investigation of San Domingo

Senate, December 12-21, 1870

In accordance with the recommendation in the President's message, on December 12, 1870, Oliver P. Morton [Ind.] introduced in the Senate a joint resolution authorizing the President to appoint three commissioners to investigate the political and social conditions and natural resources of the republic of Dominica with reference to the desirability of its annexation to the United States as one of its territories, the commissioners to have expenses paid but to receive no compensation. The resolution was brought forward for discussion on December 20.

Allen G. Thurman [O.] opposed the resolution. The rejection of the Dominican treaty by the Senate, he said, showed a direct opposition to the President, to which the masterful man in the White House was evidently unwilling to defer.

Seeing that Dominica is not likely to be annexed under the treaty-making power, for want of the requisite support in the Senate, he suggests that it may be annexed by joint resolution, as in the case of Texas; and it is with a view to carry out, no doubt, the wishes or opinions of the President in this particular that the Senator from Indiana has introduced this joint resolution.

Now, the first thing that strikes me is this: is the Senate ready to recede from its position? Is the Senate willing to ratify a treaty for the annexation of Dominica, or is the Senate ready to annex Dominica by joint resolution? And in that connection I beg leave to call the attention of the Senate to the fact that you cannot by joint resolution annex Dominica as a Territory; you must annex her as a State if you annex her by joint resolution. There is no clause in the Constitution of the United States that provides for the acquisition of territory by joint resolution of Congress unless it be one single provision, and that is that the Congress may admit new States into the Union. It was upon that doctrine that the resolution in the case of Texas was passed. But no one has ever pretended that you could by joint resolution annex territory as a Territory without admitting it as a State. Then, if a treaty is to be abandoned, the proposition which is before the Senate is, is this Senate pre-

pared to annex Dominica in its present condition, without one man in it out of ten thousand who can speak the English language, without one man out of ten thousand who can read a word in any language, without one man in ten thousand who has the slightest idea of our Government? Is the Senate prepared to admit Dominica as a State in this Union at this session of Congress? That is the question.

Nobody, I think, has the least idea that any treaty for its annexation can be ratified. This Senate is not so ignorant that it did not know every essential thing in this resolution when it voted on the treaty. It would be to stultify ourselves to say that there is one single material inquiry in all this resolution that was not known to the Senate when it voted on the treaty.

What, then, is the use of this commission? What is the use of sending out these people who are to inquire into every sort of thing—these men who are to inquire into government, into debt, and then to turn ethnologists and hunt up information as to the physical, material, and moral condition of the people of Dominica, and then to turn mineralogists and geologists, and find out what is the mineral wealth of Dominica, and then to find out what is the atmosphere, the temperature, the variation of seasons, and the climate of that island; and so on from step to step, being a commission scientific, political, economical, historical, and the Lord only knows what it is not, according to this resolution? What is the use of all that if the Senate is not willing to admit Dominica as a State, for that is the real question and the only question?

Mr. President, it is a wide departure that we are asked to take from the original policy of the Government. It was at one time made a question, and a very serious one, whether Congress had the right to acquire territory at all. We all know that Mr. Jefferson, when it was proposed to acquire Louisiana, if not in his public messages, in his private letters, said that there was no power vested in Congress to acquire it, even although it was a great commercial necessity, and he advised his friends to violate the letter of the Constitution and depend upon the people for an amendment afterward to justify it.[1] But now we are asked not simply to annex territory within the continent, but to go outside and commence the policy of insular acquisition. That policy is well worth inquiring into before we send a commission to investigate the physical and mental and moral condition of the people who inhabit the island which we are asked to annex.

[1] See Volume II, pages 102, 111, 112.

John Sherman [O.] submitted that the question before the Senate was one to investigate Dominica and not to annex it.

Garrett Davis [Ky.] believed that the annexation of Texas by joint resolution (which as a Representative at the time he had opposed) had established the precedent that foreign territory may be admitted into the Union only as a State.

The President of the United States so seems to consider this subject in his annual message. We know that he negotiated a treaty with what is called the Government of Dominica, but which it is a burlesque and an abuse of language to call a government at all. That treaty was laid before the Senate. It received the deliberate and protracted consideration of the Senate. Without violation of duty I may say that one of the ablest debates I ever listened to in either House of Congress was produced by the submission of that treaty to the Senate.[1] After all the light and instruction which that debate laid before the members of the Senate the treaty was rejected, and its rejection as a treaty was in fact a finality by the vote of the Senate upon the question of its ratification, and it is so considered by the President in his annual message. Now, sir, this is a favorite pet measure of the President of the United States. He ought to have been satisfied with the rejection of the treaty which he negotiated for the annexation of Dominica. He ought to have submitted himself to the judgment of the Senate, and to the deliberate judgment of the country which came to the Senate to sustain its action in rejecting that treaty. But he did not do so. He comes to the charge deliberately, and after much consideration and anxiety, in his annual message, and he there proposes, in substance, if not in form, that Congress by joint resolution shall provide for the acquisition of Dominica as a part of the United States; not by the treaty-making power, but by the action of the two Houses of Congress. He does not propose, nor even contemplate, in that message that Dominica shall be admitted as a State. He would not so insult the understanding and the dignity of Congress, the understanding and the rights of the American people, as to make any such monstrous proposition. Still there is a general vague and covert proposition that Dominica shall be received into the Union by

[1] Unfortunately this debate took place in executive session and therefore was not published.

joint resolution of Congress, and as he in effect repudiates and does not give any countenance to the idea of its admission by joint resolution as a State into the Union, what is the effect and purpose of the President's elaborate consideration and dissertation upon that subject in his message? Simply that Congress shall advance beyond the principle and the provision of the Constitution, beyond all the precedents, and admit Dominica, not as a State into the Union, but as a Territory whose inhabitants are incompetent to take upon themselves the duties and responsibilities of citizens of the United States in the business of self-government in adopting a constitution and acting the part of a State in the Union.

It is in furtherance of this proposition, as I understand, that this joint resolution has been introduced. It is simply to take up this furtive, unconstitutional project of the President, to be effected without authority of the Constitution, and perverting and usurping its powers by Congress assuming the prerogative of the treaty-making power in admitting into the Union, as a Territory, territory that now forms part of a foreign country.

Willard Warner [Ala.] said that opposition to ratifying the President's treaty with Dominica had been based at the time on insufficiency of information concerning the country. Recognizing the force of this objection, the friends of annexation now urged a thorough and complete investigation. If gentlemen really believed that Dominica would not be a desirable acquisition they should welcome this investigation. The President would certainly appoint the very best men he could find in order to get the real facts, which he sincerely believed were in favor of the acquisition.

Justin S. Morrill [Vt.] said that any commission, knowing the President's desires, would be favorably biased toward acquisition in its report. The Senate had sufficient information about Dominica now on which to base its action—an array of documents, the fruit of vast research for years. He believed that the resolution, which had been admitted by its mover to be faulty in one particular, should be referred to the committee on foreign relations.

George F. Edmunds [Vt.] thought that it was desirable that the Senate, before whom the question of ac-

quisition would eventually come, should have the information before it which the passage of the resolution would procure. He believed that the investigation would be adverse to annexation, but for other reasons we could not know too much about any of the West Indian islands.

We cannot fail to look with absorbing interest upon all the peoples and the islands of this great archipelago of the tropics. We have for more than half a century held out to the world that we should look with a jealous eye upon any interference with their affairs by foreign nations further than the principles of public law and the existing condition of things permitted it. Certainly if there be any distinctive American doctrine upon which the whole people are supposed to be a unit it is that we shall not permit European interference or aggression beyond existing conditions (which the faith of treaties and public law do not permit us to interfere with) or the enlargement of the domain of that species of interference in governments in this great tropical archipelago of which I have spoken. Therefore, information in respect to any of these islands, in respect to their capacity to uphold and support a free, industrious, and self-governing population, is of interest to the people of the United States. I say this with reference to Cuba as well as San Domingo; Hayti, the other end of this island, as well as Dominica; St. Thomas, or whatever the island may be; as to the people who inhabit all those islands, there must be with us always a centering and absorbing interest, they, taken as a whole, lying in that great Mediterranean Sea of the western hemisphere connecting us with the Isthmus of Panama and our great coast on the Pacific. We must exclude from that sea any aggressive movement of any people on the face of the earth.

Therefore, while according to my present information I think it entirely undesirable that any of the people of these islands should be incorporated into the political system of this country, I think it entirely desirable that we should fill our archives with information as to their condition; that we should enter into treaties of alliance and protection with every one of those people; so that, if the condition of things that now exists shall be attempted to be disturbed by any foreign power or potentate whatever, it will be not only our right, but our duty, to interfere and to protect our allies and friends in these tropical countries in their present independence until the diffusion of emigration, of intelligence, of education shall make it fit that

they may be admitted, if the time shall ever come, into this great family of free States.

Thomas F. Bayard [Del.] declared that the form of the resolution made the appointees embassadors to prepare for annexation rather than mere investigators. Why, Senators, you give them a clerk who is really a secretary of legation!

Sir, my objection *in limine*[1] to this proposition is that without the usual and proper examination by an appropriate committee it is proposed that we should embark the Government of the United States upon the vast and trackless sea of imperialism, to change it into an imperial government of outlying and distant dependencies with a foreign population, strangers to us in race, in blood, in customs, in all their systems, political, social, moral, and religious.

In so important a departure as this resolution proposes haste is not only unwise, but, in my opinion, grossly indecorous. Already this measure has been proposed in due form to the department appointed by our Constitution of Government for its consideration, and it has been rejected.

The resolution looks to the incorporation within our political system and family of States of part of an island now held by a semi-barbarous race, the descendants of African slaves, whose attempts at self-government, continued for upward of half a century, have been but a series of blood-stained failures; whose populations have dwindled away to a mere fraction of their former number in internecine strife and moral and physical degradation. Their institutions are mere mockeries, bloody travesties of political government, and to them the presence of a strong-handed and just-minded white ruler would be the greatest blessing that Heaven could bestow.

In the beginning our Union was a sisterhood of neighboring States, and we had natural boundaries. One of these is the Atlantic Ocean. Are the people of America prepared to disregard every tradition of their Government? Are the people of America prepared to embark upon this imperial system, to forsake the ancient landmarks and guides of our nation's history?

Washington in his Farewell Address warned the American people that—

[1] "At the threshold."

"The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible."

It may be said that he at that time directed his thoughts particularly to political alliances with either England or France, in whose affairs we were invited to mingle; but the principle that he there stated was true for all time; and no words can come with stronger significance and more effect to the ears of his fellow-countrymen than that potent question, "Why quit our own to stand upon foreign ground?"

Why, sir, every man must see that the acquisition of a portion, and that the more distant portion, of the island of San Domingo will inevitably lead to the acquisition of the remainder of that island, and then, finally, of the circumjacent islands, those lying between the United States and the Bay of Samana. This spirit of greed, this land-robbing spirit of the Norman, which we have expanded under democratic institutions, will crave all that surrounds this island, and the entire group of the West India islands will finally be absorbed by the American Government. At the cost of what losses by war, at what cost of death by climate, of public treasure, of demoralization to our people, who shall say?

One thing I do see so plainly that I cannot imagine how any other man, however hopeful he may be of other benefit that may arise from the acquisition of this territory, can doubt that such a scheme of empire, if indulged in, will destroy our republican system of government. The population of this island, or of these islands, can never be governed by a constitutional government like ours. They are utterly unfitted for it, permanently, naturally disqualified for it; and another government unknown to our system of laws must be framed to bring anything like peace or order or security to life or property among them. Sir, we are unable, the fiat of nature has declared that we are unable, to elevate such a race as inhabit that island to the level of our own. If a level is to be achieved at all it will only be by dragging us down, and not by bringing them up:

"We to herd with narrow foreheads, vacant of our glorious gains
Like a beast with lower pleasures; like a beast with lower pains?"[1]

Sir, the idea is repellant to every man who values the institutions of this country and who recognizes the great difficulty in our own land of sustaining sufficient virtue in the public mind

[1] From Tennyson's "Locksley Hall."

or intelligence throughout the country to maintain the institutions of government that have descended to us. I protest against this hurrying of the nation into a policy in regard to which they have had no opportunity distinctly and deliberately to express their views. So far as they have been enabled to express them, my own opinion is that the sentiment of the people of the United States is overwhelmingly in opposition to the scheme of the Administration, without regard to party. In the section of country in which I live I doubt if one-tenth of the people could be found to sustain this proposition. Then, sir, in the face of this opinion, why should this indecorous haste mark the pressure of this pet measure of the Administration through Congress?

Charles Sumner [Mass.] said that the resolution committed Congress "to a dance of blood."

It is a new step in a measure of violence. Several steps have already been taken, and Congress is now summoned to take another.

The Senator from Ohio [Mr. Sherman] said that the resolution was simply one of inquiry, and that therefore there could be no objection to it. I was astonished when I heard one of his experience in this chamber and his familiarity with legislation characterize this simply as a resolution of inquiry. The Senator is mistaken. It is a resolution creating three offices under the Constitution of the United States, offices contemplated in the Constitution itself, and specially mentioned by name in the act of 1856 to regulate the diplomatic and consular systems of the United States.

Sir, it is something more than a resolution of inquiry. It is a serious measure, and it begins on its face by an affront to the Constitution of the United States, which expressly declares that the President "shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers, and consuls"; but by this resolution he is to appoint them without the advice and consent of the Senate; and yet this resolution is accepted by my honorable friend, the Senator from Ohio.

The Senator, it seems to me, has not comprehended the object of this resolution. To my mind it is plain. It is simply this: It is to commit Congress to the policy of annexation. Otherwise, why is the resolution introduced? The President does not need it. Under his general powers he is authorized to

appoint agents, if he pleases, to visit foreign countries, and he is supplied with a secret-service fund by which their expenses may be defrayed.

Sir, others may do as they please; others may accept this policy; I will not. I have already set myself against it, and I continue now as firm against it as ever. The information which I have received since our discussions last year has confirmed me in the conclusions which I felt it my duty then to announce. In now presenting those conclusions I beg to say that I shall forbear from considering whether the territory of Dominica is desirable or not; I shall forbear from considering its resources, even its finances, even its debt—menacing as I know it is to the treasury of our country—except so far as that debt is connected with the relations with Hayti.

I object to this proposition because it is a new stage in a measure of violence which, so far as it has been maintained, has been propped by violence ever since. I use strong language, but only what the occasion requires. As a Senator, as a patriot, I cannot see my country suffer in its good name without an earnest effort to save it.

The negotiation for annexation began with a person known as Buenaventura Baez. All the evidence, official and unofficial, shows him to be a political jockey. But he could do little alone; he had about him two other political jockeys, Cazneau and Fabens; and these three together, a precious copartnership, seduced into their firm a young officer of ours, who entitles himself "aid-de-camp to the President of the United States." Together they got up what was entitled a protocol, in which the young officer entitling himself aid-de-camp to the President proceeded to make certain promises for the President.

Senator Sumner declared that the protocol was illegal, since the title of "aid-de-camp to the President" does not appear in the Constitution or the diplomatic statutes of the United States, and the duties of an "aid-de-camp" are, by general usage, incompatible with those of a commissioner.

The assumption of this exalted and exceptional character by this young officer shows at least his inexperience in diplomacy. However, he assumed it; and it doubtless produced a great effect with Baez, Cazneau, and Fabens, the three confederates. They were doubtless pleased with the distinction. It helped on the plan they were engineering.

The young officer, aid-de-camp of the President of the United States, with this important and unprecedented document in his pocket, returned to Washington. Instead of being called to account for this unauthorized transaction, pledging the Chief Magistrate to use his influence privately with Congress in order to cram down a measure that the confederates justly supposed to be offensive, he was sent back to this island with directions to negotiate a treaty. I would not allude to that treaty if it had not been made the subject of discussion by the President himself in his annual message. You know it. The treaty itself is not on your tables legislatively; it has never been communicated legislatively to Congress. The other House, which may be called to act upon this important measure, can know nothing of that treaty, and what we know of it we cannot speak of even in this debate. We can simply speak of its existence, for the President himself has imparted that to Congress and to the country. The treaty exists, and now the practical question is by what means was it negotiated? I have described to you the three confederates who seduced into their company the aid-de-camp of the President; and now I have to aver, and I insist that the evidence will substantiate what I say, that, at the time of the signature of the treaty of annexation, Baez was sustained in power by the presence of our naval force in the waters of the Dominican Government. Go to the documents, and you will find that what I say is true. Confer with naval officers, confer with honest, patriotic citizens who know the case, and they will all testify that without the presence of our ships of war in those waters Baez would have been obliged to flee.

This is not all, sir; I broaden this allegation. Ever since the signature of the treaty, and especially since its rejection, Baez has been sustained in power by the presence of our naval force. I ask you, sir, to do as I have done; go to the State Department and Navy Department and read the reports there on file, and what I state will be found to be substantially true.

Sir, this is a most serious business. Nothing more important to the honor of the Republic has occurred for long years. How many of us now are hanging with anxiety on the news from Europe? There stand matched in deadly combat two great historic foes, France and Germany, France now pressed to the wall; and what is the daily report? That Bismarck may take Louis Napoleon from his splendid prison and place him again on the throne of France, that he may obtain from him that treaty of surrender which the republic never will sign. Are we not all indignant at the thought? And now, sir, this is the very

part played by the American Government. Baez has been treated as you fear Bismarck may treat Louis Napoleon. You call him "president"; they call him down there "dictator"; better call him "emperor," and then the parallel will be complete. He is sustained in power by the Government of the United States that he may betray his country. Such is the fact, and I challenge any Senator to deny it. I submit myself to question, and I challenge the Senator from Indiana [Mr. Morton], who, as I have already said, champions this proposition, to deny it.

SENATOR MORTON.—If this commission go down there they can return an answer to all these broad statements of the Senator, whether they are true or not. The Senator understands that; but I wish to ask him if he does not know that in answer to all this that he is talking about it has been urged that all parties in San Domingo, whether they are for Baez or Cabral, or whoever they are for, are for annexation? If that is true, all this is utterly immaterial except as something thrown in to obscure this subject before the public. I aver—and the commission will show it—that all parties, whether against the Baez government or for it, are equally for annexation, and if that is true all this is frivolous.

SENATOR SUMNER.—Mr. President, I alluded yesterday to the late prime minister of France [M. Ollivier], who accepted war "with a light heart." The Senator from Indiana speaks in the same vein. He says that my allegation is "frivolous." Sir, never was there a more important allegation brought forward in this chamber. Frivolous! Is it frivolous when I see the flag of my country prostituted to an act of wrong? Is it frivolous when I see the mighty power of this Republic degraded to an act of oppression? Nothing frivolous——

SENATOR EDMUNDS.—What do you say as to the point, what are the wishes of the people of that country?

SENATOR SUMNER.—Let me finish; I was in the midst of a sentence.

SENATOR EDMUNDS.—I wish to apologize to my distinguished friend from Massachusetts. I understood him to challenge inquiry, and I asked him therefore in a friendly way to state to us the point that the Senator from Indiana made to him as to what he believed the sentiments of the people there to be.

SENATOR SUMNER.—The Senator interrupted me in the midst of a sentence.

SENATOR EDMUNDS.—Very well; I apologize and subside.

SENATOR SUMNER.—I am perfectly willing to yield to the

Senator if he wishes to speak, and I will speak when he is through.

SENATOR EDMUNDS.—By no means. The Senator from Massachusetts challenged anybody to ask him a question, and I in my own way ventured that very thing, and my friend, instead of answering it, flies into a passion because I did so.

SENATOR SUMNER.—Not at all; I said the Senator interrupted me while I was answering the Senator from Indiana, and in the midst of a sentence. I had proposed to proceed still further if I can have the permission of my excellent friend, the Senator from Vermont. I was remarking on the charge of frivolity—perhaps the Senator wishes me to finish on that head; I had not finished. I say that there is nothing frivolous in the suggestion; I say that it is grave. It is too grave; it is oppressive to this Government and this country. The Senator from Indiana asks, why not send out this commission? I say, why send them out when we now have in the archives of this Republic evidence that this very man is sustained in power by the naval force of the United States? Can you send out a commission under such circumstances without making yourself a party to the transaction?

And now I answer still further. The Senator asks if I am not aware that all persons there are in favor of annexation. I answer categorically, no; I am not aware of it. I understand the contrary. I have at least as good information as any accessible during the last week, and it is not four days old, just to the contrary. There are two chieftains in Dominica—one the political jockey with whom our Government has united and who is now sustained in power by our naval force, and the other is Cabral, who, as I have been assured by one who is bound to be well informed, represents the people of his country. Some time ago Cabral favored the sale of the bay of Samana to the United States; but I have been assured that he has never favored annexation to the United States. I am assured that his policy is to bring the two Governments of Dominica and Hayti once more together, as they were down to the revolution and war which lasted from 1846 to 1848, terminating in the uncertain independence of the Dominican part of the island.

Suppose during our Civil War Louis Napoleon, in an evil hour, had undertaken to set up Jefferson Davis as the head of this Government, and then to make a treaty with him by which Texas, said to have been much coveted by the emperor, should be yielded and become part of Mexico, which itself was to become more or less part of France. Would not our blood

boil? Would it be commended at all because we were told that there were large numbers in the Southern States who favored it? Would not the transaction be considered intolerable? And yet this is precisely what the United States are now doing in the bay of Samana and the port of St. Domingo.

Three ships out of the small navy of the United States are sent down to these waters to enforce this policy! If force were not to be employed why these three ships? Why the necessity of any ship?

When I think of all this accumulated power in those waters, those three vessels, with the patronage naturally incident to their presence, it is not astonishing that there is on the seaboard, immediately within their influence, a certain sentiment in favor of annexation. But when you penetrate the interior, beyond the sight of their smoke, at least beyond the influence of their money, it is otherwise. There the sentiment is adverse. There it is Cabral who prevails. So at least I am assured.

Sir, I have presented but half of this case, and perhaps the least painful part. I am now brought to another aspect of it. This naval force to which I have referred has also been directed against the neighboring republic of Hayti (the only colored government now existing in the world, a republic seeking to follow our great example) penetrating its harbors and undertaking to dictate to it what it shall do. If you will read again the reports at the Navy Department you will find that I do not overstate when I say that they have undertaken to dictate to the Government of Hayti what it should do. Nor is this all. In an unhappy moment the commodore of an American fleet, going ashore, allowed himself to insult and menace the government there, saying that if it interfered in any way with the territory of Dominica he would blow the town down. So I have been informed by one who ought to know. You look grave, sir. Well you may. I wish I could give you the official evidence on this assumption; but I am assured, on evidence that I regard as beyond question, that this incident has occurred. In what school was our commodore reared? The mother of Tittlebat Titmouse [1] told him that he must be careful never to fight with a boy of his size. An American commodore, in the same spirit, has undertaken to insult a sister republic too weak to resist. Of course, if he did this on his own motion and without instructions from Washington he ought to be removed, in my judgment, and rather than carry out such instructions he ought to have thrown his sword into the sea.

[1] A character in Samuel Warren's novel, "Ten Thousand a Year."

All this is aggravated when we consider the relations between Dominica and Hayti, and bring this incredible transaction to the touchstone of international law. Dominica and Hayti became one under President Boyer in 1828, and the whole island continued as a unit until 1844, when Dominica rose against Hayti, and, after a bloody conflict of four years, in 1848 succeeded in securing its independence.

In 1838, while the two constituted one, a treaty was made with France, by which the Haytien Government agreed to pay, in certain annual installments, the sum of 60,000,000 francs. Since the separation of the two, Hayti has proceeded with those payments, and I think the Senator over the way will not deny that there is at least ground of claim on the part of Hayti against Dominica for contribution to those payments.

Senator Morton here claimed that this 60,000,000 francs was for spoliations upon the property of French citizens in Hayti.

Senator Sumner replied that nothing was said in the treaty with the United States about the consideration for the payments.

Senator Morton replied that the history of the transaction showed it.

Senator Sumner.—History shows, however, that the two governments were one at this time, and I have to submit that there is at least a question whether Dominica is not liable to Hayti on that account. I mention this that you may see the relation between the two governments.

But this is not all. Besides the treaty with France, there is another between Hayti and Dominica.

Now, the point which I wish to present to the Senate and to impress is that Hayti having these claims on Dominica is interdicted from their pursuit by an American commodore.

The President's treaty had no effect until ratified by the Senate, and every attempt at jurisdiction in those waters was a usurpation and an act of violence; I think I should not go too far if I said it was an act of war.

Those waters were as sacred as the waters about France or about England. He might as well have penetrated the ports of either of those countries and launched his menace there as have penetrated the waters of this weak power and launched his menace.

It is an act of war—war, sir, made by the Executive without the consent of Congress.

In other days, to carry a project [the admission of Kansas with slavery], a President has tried to change a committee. It was James Buchanan. And now we have been called this session to witness a similar endeavor by our President. He was not satisfied with the Committee on Foreign Relations as constituted for years. He wished a change. He asked first for the removal of the chairman [Mr. Sumner]. Somebody told him that this would not be convenient. He then asked for the removal of the Senator from Missouri [Mr. Schurz], and he was told that this could not be done without affecting the German vote. He then called for the removal of my friend the Senator from New Hampshire [Mr. Patterson], who unhappily was not a German. It was finally settled that this could not be done.

I allude to these things reluctantly and only as part of the case. They illustrate the spirit we are called to encounter. They illustrate the extent to which the President has fallen into the line of bad examples.

Sir, I appeal to you, as Vice-President.[1] By official position and by well-known relations of friendship you enjoy opportunities which I entreat you to use for the good of your country, and, may I add, for the benefit of that party which has so justly honored you. Go to the President, I ask you, and address him frankly with the voice of a good friend to whom he must hearken. Counsel him not to follow the example of James Buchanan; tell him not to allow the oppression of a weak and humble people; ask him not to exercise war powers without authority of Congress, and remind him kindly that there is a grandeur in justice and peace beyond anything in material aggrandizement, beyond anything in war.

Again I return to the pending resolution, which I oppose as a new stage in the long-drawn machination. Am I wrong in holding up this negotiation, which has in it so much of violence —violence toward Dominica, violence toward Hayti? Of course the proposed treaty assumed the civil war pending in the territory annexed. No prudent man buys a lawsuit; we should buy a bloody lawsuit.

Be taught, if you please, by the experience of Spain, when in 1860 this power, on the invitation of a predecessor of Baez, undertook to play the part we are asked to play. Forts were built and troops were landed. When at last this power withdrew she had expended forty millions of hard Spanish dollars

[1] Schuyler Colfax [Ind.] was the occupant of this office.

and "sacrificed sixteen thousand of the flower of her army." Are we ready to enter upon this bloody dance? Are we ready to take up this bloody lawsuit?

Vain to set forth, as the message does, all manner of advantages, "commercially and materially." What are these if justice and humanity are sacrificed? What are these without that priceless blessing, peace? I am not insensible to the commercial and material prosperity of my country. But there is something above these. It is the honor and good name of the Republic, now darkened by an act of wrong. If this territory, so much coveted by the President, were infinitely more valuable than it is, I hope the Senate would not be tempted to obtain it by trampling on the weak and humble. Admit all that the advocates of the present scheme assert with regard to the resources of this territory, and then imagine its lofty mountains, bursting with the precious metals, its streams flowing with amber over silver sands, where every field is a garden of the Hesperides, blooming with vegetable gold, and all this is not worth the price we are now called to pay.

There is one other consideration, vast in importance and conclusive in character, to which I allude only, and that is all. The island of San Domingo, situated in tropical waters and occupied by another race, never can become a permanent possession of the United States. You may seize it by force of arms or by diplomacy, where a naval squadron does more than the minister; but the enforced jurisdiction cannot endure. Already by a higher statute is that island set apart to the colored race. It is theirs by right of possession; by their sweat and blood mingling with the soil; by tropical position; by its burning sun, and by unalterable laws of climate. Such is the ordinance of nature, which I am not the first to recognize. San Domingo is the earliest of that independent group, destined to occupy the Caribbean sea, toward which our duty is plain as the Ten Commandments. Kindness, beneficence, assistance, aid, help, protection, all that is implied in good neighborhood, these we must give, freely, bountifully; but their independence is as precious to them as is ours to us, and it is placed under the safeguard of natural laws which we cannot violate with impunity.

I conclude as I began. I protest against this resolution as another stage in a drama of blood. I protest against it in the name of justice, outraged by violence; in the name of humanity insulted; in the name of the weak trodden down; in the name of peace imperiled, and in the name of the African race, whose first effort at independence is rudely assailed.

Senator Morton replied to Senator Sumner. He repudiated the charge that he (Morton) was a confidential adviser of the President; referring to his age and extremely crippled condition (which caused him often to speak from his chair), he said that he was too old and

SELLING OUT CHEAP

[Caricature of Senator Sumner]

From the collection of the New York Historical Society

too lame to begin to act as a "go-between"—but, ever since Fort Donelson, he had been the admirer of Ulysses S. Grant, and had been constant in repelling the calumnies with which he had been assailed as no other President, perhaps, since Jefferson. He said that the assault of the Senator from Massachusetts was especially unprovoked and indefensible. It was not due to a difference of political principles, for he had charged the President with usurpation, with crime.

The argument of the Senator from Massachusetts throughout has demonstrated the necessity and the importance of this investigation. My friend has appeared upon the stand this afternoon as a witness. He has testified copiously, voluminously, and yet has scarcely produced testimony to sustain one of his

assertions. He states these things, he says solemnly, because he knows them to be true; but he has not favored the Senate with any evidence to sustain the most of them. Perhaps the Senator thinks that what he does not know in regard to the Republic of San Domingo is not worth knowing; but while he may know it very well, he may not be able to satisfy all the rest of us; he may not be able to satisfy the country. And now we propose a commission that shall go upon the ground and make an examination so far as it can be made, and report to us the facts, that we may judge for ourselves whether or not annexation is desirable.

Now, sir, allow me to say that nearly all the Senator's points are immaterial—immaterial to the purpose of this resolution. He has spent his force upon matters that, so far as the merits of this resolution are concerned, may be designated as frivolous, wholly unimportant. We are not now proposing to examine whether the treaty was correctly and properly negotiated. We have passed by the treaty; we are beginning *de novo;* we are proposing to examine this question as if a treaty had never been made, and we propose to go to the vital and material points in the matter, and to do that we propose to send a commission to the island, where this information is most accessible and can be most accurately obtained.

But, sir, what of the protocol? The Senator seemed to think it was a very important matter, a great lion in the way that could not be gotten over, and that rendered this resolution improper, and the interrogatories unimportant. Why, sir, he confessed himself, as I understood him, that General Babcock had made that protocol without authority; and he did do it upon his own motion, and there was nothing in his instructions that authorized him to do so; but, as all men familiar with diplomatic negotiations understand, protocols are of very common occurrence, and are always of a private character, and never constitute a part of the treaty. But as the treaty is gone, as we have passed that by, as it is merely a relic of the past, where is the importance of dwelling upon this protocol and attempting to fix crime upon the President in consequence of it? Sir, the objection is frivolous, and I pass it by.

The Senator began his speech by saying that this resolution inaugurated a "dance of blood." This was a tremendous sentence, and burst upon the Senate like a rocket in the air, which always leaves darkness just after; and I would like to inquire whether anybody was hit by the stick when it came down. And I might inquire whether blood can dance, if that was ever heard

of before; and if it can, whether his favorite and his model president, Saget, the President of Hayti, did not engage in that "dance of blood?"

Then the Senator from Massachusetts says that this commission will commit Congress to the policy of annexation. Is there one word of foundation for this statement? Is any Senator who may not favor the annexation of San Domingo under his present convictions to be frightened from voting for this resolution by the bald declaration that it commits Congress to annexation?

Then, again, he says the resolution is unnecessary because the President has full power to appoint the commissioners without it. Why, this is a most astonishing argument! After having pressed upon us with great force that the appointment of Babcock was a usurpation, and that his negotiation was a crime, the Senator comes back and tells us that this commission is wholly unnecessary, the President has power to appoint commissioners without any act of Congress to go there and do all that we propose they shall do, and even more!

Why, sir, suppose the President had taken that authority without consulting us, would he not have been denounced fiercely for usurpation? Would this commission not have been denounced as a mere private agency on his part—and so it would have been—for the purpose of aiding him in a most iniquitous scheme? No, sir; we took a different view of it; and the President, allow me to say, has no power to appoint a commission like this; he has no power to provide a secretary; he has no power to make the provisions that are contained in this resolution.

Then, again, the Senator calls Baez, Cabral, Fabens, and Babcock jockeys——

SENATOR SUMNER.—Not Cabral; Cazneau.

SENATOR MORTON.—Ah! not Cabral; that revolutionist is in favor, is he? A mere adventurer who for the last two years has not had four hundred men under his command at any time, and has kept himself in the mountains of Hayti, and has not been in Dominica except upon one occasion, when he was immediately driven back. Why, sir, he is a mere commander of banditti who does not and has not endangered the government of Baez; but he has all the time been presented in the consideration of this question as a formidable leader, with great strength behind him, and not to be resisted except by the naval force that the President has put at the command of Baez to keep him in power!

The Senator charges that we have kept Baez in power by

three ships of war stationed upon that coast, and that the treaty was negotiated under the guns of that fleet. Admiral Poor has been denounced in the bitterest terms for his conduct in regard to Dominica and Hayti. Why, sir, I should regard this as a very serious statement if it did not appear to me to be ridiculous. With all respect to the distinguished Senator from Massachusetts, it seems to me that he has overdrawn this thing in a manner that can only be described as ridiculous or ludicrous. These revolutionists are not seagoing people. They have no fleet. Their field of operations, small as it is, is inland and among the mountains. But they have been kept in subjection by the three frigates of Admiral Poor! We must understand that the admiral has marched those frigates across the island and through the mountains, doubtless with a large crew of horse marines, that have kept this Cabral and his powerful army under subjection!

Mr. President, the truth is simple; it lies upon the surface; I have been long satisfied with it; and I confess to you that, so far as I am concerned, I do not require the investigation on many of these points to satisfy my mind. But while I may be satisfied others may not be. The great truth is that men of all parties in San Domingo are in favor of annexation; that the followers even of Cabral are for it, and that Cabral himself has been in favor, and is now in favor, of annexation. He undoubtedly would like to make the treaty or to conclude the negotiations, instead of Baez.

Even the people of Hayti are in favor of annexation. Only a few months ago we had Mr. Tait here, an able, educated, and intelligent man, the minister from Hayti sent by the Salnave government. He stated that the people of Hayti, the great majority, were in favor of annexation; and that they were in favor of the annexation of Dominica to the United States because they hoped that would be the precursor of their own annexation. But Salnave was murdered in cold blood; and the wretched and desperate military adventurer, the model president of the Senator from Massachusetts, when he came into power, for some reason desired to interpose an objection to the annexation of Dominica to the United States. I am told—I do not know how true it is, but it is stated in the papers, and the Senator has evidently great faith in what is stated in the papers from the reference he made to myself—that the minister of Saget, the blood-stained president, or dictator, I should say, of Hayti, had no more knowledge of his duties than to send an impertinent note to our Secretary of State remonstrating against

what the President of the United States had said in his message, and that he was promptly rebuked for his ignorance and his insolence by our Secretary of State, and I believe has apologized.

Then the Senator says that the President tried to get him and the Senator from New Hampshire [Mr. Patterson] off the Committee on Foreign Relations. I would like to know who it is informed the Senator of that fact. Who is his authority? Who is so familiar with the President as to obtain the expression of his secret desires, his secret operations, and then goes and informs the Senator from Massachusetts? I undertake to say that he is mistaken.

Mr. President, the annexation of San Domingo will come. I prophesy here to-night that it will come. It may not come in the time of General Grant, or in my time; but I believe it is destined to come; and with it, too, the annexation of Cuba and Porto Rico. Why, sir, this thing was foreseen long ago.

San Domingo is the richest piece of earth. Why, sir, it is a great natural cabinet of all the choicest productions of the world; and San Domingo alone, which if we get it will cost us but very little, is worth to us, commercially, socially, and in every other way, fifty Alaskas, for the acquisition of which my friend from Massachusetts was greatly in earnest, and in the bringing about of which he had a large influence.

But I know there is talk about the populations of these countries. Sir, they are friendly to us now, and will rapidly incorporate and consolidate with the people of this nation in case of acquisition. They will become consolidated and absorbed in this great people long before the people of Canada will be converted to annexation. The Senator from Massachusetts is greatly in favor of the acquisition of all the Canadas, and I shall be, too, when the time comes; but I tell him that the most unreasonable, the most unconquerable, and obstinate thing in this world is a British prejudice, and that the people of Canada are further from us to-day, and are less inclined to annexation at this time, than they were thirty years ago. When they are ready to come peaceably, and are anxious for it, I am ready to receive them; but the line of demarcation between them and us in point of feeling and sentiment would still remain distinct long after that between us and the people of San Domingo and Cuba would be obliterated.

I remember, when the proposition was made to annex California and New Mexico, what fearful pictures were drawn of the character of the New Mexican population, and yet there is

not to-day a more loyal people to this Government than the people of New Mexico.

JAMES W. NYE [Nev.].—I submit the question to the country whether the honorable Senator to-day in his speech treated the President with that fairness with which I would have him treated by everybody. There are certain characters that have been so luminous by deeds of bravery and of patriotism as to attract attention and stand out preëminently in advance of their fellows. Two such characters are the President of the United States and the honorable Senator from Massachusetts. Do what he may, cut down this friend or the other, I shall remember the glory that has clustered around him and the triumphs that he has won, and nothing shall extract from me an expression of unkindness toward him. While I glory in his independence, I glory likewise in the independence of those who differ in opinion from him. Sometimes long series of successes to those who have been in the habit of leading make it appear an offence for a person to differ with them. I do not know but that may be slightly the case with my honorable friend. He has led us through a terrible labyrinth. But other questions have sprung up on which minds differ, and I do not know but that he feels as though we all ought to bow down to him as we did upon the great measure that he made the specialty of his life. Sir, did it not involve a principle, I would always do it with deference to his superior judgment.

But, sir, we are told that the people of this country are opposed to Dominican annexation. If so, they want the information which we seek. Is there any better way? Not at all. If the honorable Senator desires to share further in this matter let him be a commissioner and go himself, and he will come back with a new song in his mouth, I will warrant you. So apparently blind to everything else, he seems to think that the President reached out after him to remove him from the Committee on Foreign Relations. This mysterious knowledge; this knowledge that is not for the public; this knowledge that one keeps so sacred that he will not even tell the body that he asks to act upon it—what is it except that he has been told so and so? Sir, what have you been told a thousand times; what have all of us been told? And when we came down to the fact the teller was the inventor of the tale. Do you suppose that if I should hear to-morrow that my friend was longing for the blood of the President I would believe it? [Laughter.] No, sir; the only place where he uses blood is in a "dance." [Laughter.] Visions of danger are floating about him when he is as safe as

the babe in its mother's arms. It only shows what a heightened, quickened fancy can imagine. Everything is wrong because the President of the United States is in favor of annexing San Domingo, and not a creature that his fancy can create but what starts at his bidding! I advise my friend to just take a little of Radway's Ready Relief [laughter] get a sound sleep, and all these fancies will flee away to the source from whence they came.

The honorable Senator is not quite content in swinging his saber in a threatening attitude over the head of the President, but he attacks with more ferocity still what he terms the *aid-de-kong*—that is the French of it, I suppose; we call it in plain English aid-de-camp. Now, sir, because in this protocol, as it is called, evidently drawn by Mr. Gautier, in which he describes this man as aid-de-camp of the President, fancy is on its wheels; here is a regal power, the President has got an aid-de-camp, and the Senator inquires whether in the Constitution or laws there is such an office! I answer no, there is no such office; but a man of tinsel put it in; but when Mr. Babcock comes to sign his name, he signs it plain "Orville E. Babcock." But my friend says—now comes the lawyer—that the description in a deed is what gives it character.

Suppose I should, in a deed that I was going to execute to my friend, describe him as "Charles Sumner, the greatest of living American statesmen," would it vitiate the deed? [Laughter.] Suppose I should say "Charles Sumner, the leading abolitionist in America," would that vitiate the deed? Suppose I should say "the man who had military aspirations, but never gratified them," would that vitiate the deed? [Laughter.] There is anarchy, there is usurpation; consult the Constitution, consult the law, says the honorable Senator, and see if you can find such a thing! We all knew before he told us that there was not any such thing there. He puts up an image to combat when there is no image there.

> "Optics nice it takes, I ween,
> To see what is not to be seen."

The Senator tries to make out a case not only upon broad grounds, but upon little specialties on which he dwells with a relish equaled only by those who like to feed on rottenness, as elements of the criminality of the President of the United States. Sir, before some country justice of the peace that might do in an early day; but it will not do in this day of light and intelligence. It is reaching out after something that does not exist and magnifying a mole hill into a mountain. Upon such

authority he hurls the dart of his power against the President of the United States. It may do for Sumner, but it would not do for me.

Now, sir, the treaty to which this was a protocol is dead through the instrumentality of its most polite executioner, the honorable Senator himself. Why resurrect that? This inquiry is not in relation to that treaty. Why stand here and pound a corpse? That treaty is dead. My friend seems desirous of convincing us that there is punishment after death, and he goes after that dead treaty. [Laughter.]

I complain that in the discussion upon this question of reference the honorable Senator from Massachusetts has seized upon an occasion to do what will be painful to him to his last day; he has seized upon this occasion to strike so high that the bow which he drew with such terrific power will not have strength enough in it to carry the arrow to the mark. No, sir; he will stand to-day and for all time as the boldest among the bold of the champions of human freedom. He will stand as spotless as the mountain snow of anything of crime within the memory of all of us who know him. Pure as is the honorable Senator from Massachusetts, equally pure is the President of the United States, and he would shrink from the commission of a crime with all the sensitiveness that the fine feeling of the honorable Senator from Massachusetts would.

My friend had a beautiful conclusion! And you know, Mr. President, that no man rounds his periods so beautifully as my friend; he rolls up in colossal forms his figures and caps them with the finest specimens of eloquence. In his conclusion he said that he did not stand here to oppose this measure simply upon such and such grounds, but, rising to his enormous fullness of stature, he declared that he did it in behalf of humanity. Sir, what is the true course of humanity to pursue? To stop the effusion of blood there. His description of the effect of our flag there was a tribute that it never received before. Its simple presence was the harbinger of peace; and the bugle of Cabral and the turbulence, if you please, of Baez were hushed before the power of that flag.

But my friend asks why are ships of war there but for a menace? Sir, we float our ships in the Mediterranean. Whom are we menacing there? Why do our ships float in the southern Atlantic, along the whole line of coast of other governments? They are patroling the seas as watchmen, vigilant and faithful on their course. Why were our ships found weighing up to Alaska, when it was not ours, but Russia's? To see, as with

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the eye of the eagle, the approach of any threatened danger to our country. Why do our ships go everywhere? Why are they seen in the Bosporus? They are seen there as missionaries of our country, bearing the flag of joy and peace wherever they go. They are seen at Samana under the same commission; they are seen at San Domingo under the same commission; they are seen at Havana under the same commission, and from time to time at every other port of the known world. Sir, it is the glory of this country that her ships penetrate every nook and corner of the inhabitable world to guard and protect her commerce, to give evidence to other nations that the eyes of the American people are on their citizens everywhere. Seek other cause than that to show crime on the part of the President. I hope what the honorable Senator has said is true, that our vigilance has stayed the hands of the bloodthirsty there; and humanity, if it could speak, should thank us instead of charging it as a crime upon the President. In the name of humanity I rejoice at it, and in the name of justice the world will rejoice.

Zachariah Chandler [Mich.] called upon Senator Sumner for his authority for his statement that the President desired his (Sumner's) removal from the Committee on Foreign Relations. Senator Sumner replied that his informant was a certain Senator to whom the President had expressed that desire, but that he refused to give the Senator's name. Then, said Senator Chandler, you had no right to make the charge.

Mr. President, we have had to-day the most extraordinary exhibition that ever has taken place upon the floor of this body since I have had the honor to be a member of it. I have had the honor of a seat in this body for nearly fourteen years, and never during that time, in all the heat of political antagonism, never during the war, never before the war, have I heard so brutal an assault made upon any President of the United States as was made upon President Grant to-day in this body. This morning when the Senator denied that he had ever used a disrespectful word in secret session with regard to the President, and called upon any member of this body to contradict him if it were not so, I did not feel at liberty to rise in my seat and contradict him. But I desire to say now that his speech in secret session substantially corresponds with his speech to-day in open session, so far as the scope and spirit of it were concerned, toward the President; and there I leave it.

THE VICE-PRESIDENT.—The chair desires to state to the Senator from Michigan that he doubts whether the word "brutal" is proper to be applied to a speech made by a Senator.

SENATOR CHANDLER.—I will change the language to make it as strong as I can and still have it parliamentary. [Laughter.] Mr. President, it would hardly be supposed from what fell from the lips of the Senator from Massachusetts to-day that he was the first Senator consulted by the President upon the subject of the San Domingo treaty. And yet such is the fact.

SENATOR SUMNER.—After the treaty was signed.

SENATOR CHANDLER.—The first Senator consulted after the treaty was signed was the Senator from Massachusetts, and he certainly left upon the mind of the President the impression that he was favorably disposed toward that treaty. I will read here two or three extracts from the letters of two individuals to this effect.

Here he read extracts from letters of General Babcock and others.

The Senator from Massachusetts is to go down in history beside President Grant as a statesman. President Grant will live in the memory of his countrymen and his laurels will be fresh and green when the Senator from Massachusetts will be forgotten. But, sir, as statesmen they are to go down in history, and what do they present as their trophies? The Senator from Massachusetts marches up to the front with what? With the north pole on his shoulder and an iceberg by his side, and there is the result of his statesmanship. But the President of the United States comes with the islands of the Gulf and untold millions of wealth. There are the results of two specimens of statesmanship.

Sir, I am willing to compare those trophies side by side. We all remember the tremendous effort made by the Senator from Massachusetts last winter to get up an expedition to the north pole, and we all remember with what wonderful skill and power he advocated paying $7,200,000 in gold for Alaska, and now the result of his statesmanship is the north pole and an iceberg. The result of the President's statesmanship will be the islands of the Antilles and untold wealth to this great nation.

Mr. President, there are critical periods in human life. Children sometimes die at the teething age. If they pass through that age they may grow to manhood; but that is the trying time with the infant. Sir, there is also a trying time in the lives

of public men, and if they pass that, they may live into a green old age. That fatal age is from sixty-two to sixty-five. It is the age when men are bitten with the presidential mania, and once bitten there is no cure. They die of that disease; there is no remedy.

We have had eminent examples of that description. You remember, sir, that the honorable Senator from New York—I allude to Mr. Seward—who, perhaps, had more power in this body, more power throughout the country, more popularity than any other man of his generation, was a candidate for the Presidency; and, when Mr. Lincoln obtained the nomination, he turned his back upon his old associates, never doubting but that with his tremendous power and influence, his overshadowing talent, he could at least divide the Republican party and insure a victory to its enemies. In 1862 they formed a Union party, and Mr. Seward, seduced by the hope that the Democracy would take him up in case he was dropped by the Republicans, marched over into the ranks of the enemy, and he took one vote and no more. He went down, and there was not a ripple upon the surface of the water where he went under.

A few years later another eminent statesman [Salmon P. Chase], who thought he was entitled to a presidential nomination, was disappointed. He made his appearance at the door of the Republican convention, but did not receive the nomination, and in a few days he was rapping at the door of the Democratic convention. He went out; and he, too, took one vote, and no more. Both of them had a tremendous power while they were coöperating with their friends and with their party organization; but the moment they left their party they ceased to be a power at all. And now the honorable Senator from Massachusetts, not profiting by experience, has made up his mind that with his great power, his vast influence, he can do almost anything he pleases. Well, sir, he can, inside of the Republican party; but when he organizes his troops on the other side of the chamber, when the honorable Senator from Ohio [Mr. Thurman] marches to the bugle call of Charles Sumner, when the honorable Senators from Delaware fall into line and dress at his command, he will not have a large force, and will increase their present numbers just one. The line will not be long; it will be easily handled.

Senator Sumner.—When Charles Sumner finds the Senators over the way ranging under his banner, as the Senator predicts, this country will be regenerated, for the Democratic party will be Republican.

The Senator here [Mr. Nye] says, and the Senator over the way [Mr. Norton], I think, said the same thing, that I have assailed the President. I have done no such thing. I alluded to the President as little as possible, and never except in strict subordination to the main question. On this question of annexation I feel strongly; not, as the Senator [Mr. Nye] has most uncandidly suggested, from any pride of opinion, or because I have already expressed myself one way and the President another, but because for long years I have felt strongly always when human rights are assailed. I cannot see the humble crushed without my best endeavor against the wrong. Long ago I read those proud words by which Rome in her glory was described, as making it her business to spare the humble, but to war down the proud. I felt that we had before us a case where the rule was reversed, and in an unhappy hour our Government was warring down the humble. So it seemed to me on the evidence.

Do I err? Then set the facts before the people that they may judge; but as I understand those facts, whether from official documents or from the testimony of officers or citizens who have been in that island latterly, Baez has been maintained in power by the arms of the United States. Correct me if I am wrong; but if the facts be as I believe, you must leave me to my judgment upon them.

Roscoe Conkling [N. Y.].—Mr. President, during this debate I have held my peace till now. I should be silent still but for the violence done this day to justice and to fairness, but for the wrong heaped upon one, foremost, not in the easy greatness of things written and said, but in the arduous greatness of things done; one who has excelled not in swollen periods, but in brave, honest deeds which have covered his name with imperishable renown. Injury and affront have been offered grievously to several, but especially to him who stands not only in his own right as a citizen, not only as the head of a great party to which a majority of the members of this body belong, but as the Chief Magistrate of the nation; and in the last character his position gives him in American esteem official primacy in the world. How comes "back-wounding calumny," intrenched behind parliamentary privilege, to strive in our very presence to soil his personal and official fame? What relation has envenomed aspersion of the President to the business which the Senate considers now?

It is notorious that a treaty was last year negotiated for the annexation of San Domingo. It is notorious that that treaty

was challenged upon the ground that it was ushered in without adequate information.

So much, I say, is notorious, and light was loudly demanded. Nay, it was insisted by the enemies of the treaty, specifically, that a commission to view, explore, and report should be sent to San Domingo. This is not all. Loathsome charges were sown broadcast throughout the land. It was alleged that the treaty was hedged about with jobs on every side. It was said that fraud had suffocated the very right. Lands were said to have been staked off and labeled with the names of those responsible for the treaty; and it was whispered that the restless foot of guilty and venal adventure had been set upon the soil of Samana. These unclean vaporings were breathed upon the Chief Magistrate and upon members of his official family. Now the Chief Magistrate comes, assuming that he approves the pending resolution, asking Congress for what? For annexation? No, sir. For a committal to a scheme of annexation? No, sir. But to allow disinterested witnesses to visit San Domingo and bring back intelligence which may show that the President and others have been assailed, not with the weapons of the warrior, but with the weapons of the assassin.

Who rises in this chamber to deny to the Chief Magistrate and his subordinates this culprit's right? Who rises here to say that he shall not cleanse his official household from the stains sought to be put upon it? Does any known friend of the President rise to say these shafts have fallen harmless at his feet and he need not condescend to notice the aspersions which have been cast upon him? That would be a friendly office. But no Senator kind or considerate toward the President comes forward with objection. Who comes? Who heads to-day's hunt? The honorable member from Massachusetts. Who is he that he should do it? What relation does he sustain which mitigates the indelicacy and the wrong of his doing it? How can it be decorous or tolerable in him to object to full investigation of the condition of San Domingo, and of the circumstances attending its proposed acquisition?

Sir, the member to whom I refer would have come too late, had he come to-day, to deny that he himself is conspicuous among the authors of the aspersions aimed at the President of the United States.

On November 2, 1869, the following "interview" with Senator Sumner appeared in a Chicago paper. It has not been challenged by the Senator.

The reporter alluded to the subject of San Domingo:

"Mr. Sumner said: 'Those young military men whom the President had gathered around him or in his actual Cabinet, by what warrant it was difficult to say, had taken a notion that there was a good speculation in that quarter, and Grant had, honestly enough, been persuaded into their scheme. Why, a friend of mine, who has been down there, says that the whole coast of the bay of Samana is staked off into lots, and marked "Cazneau" and "Babcock" and "Baez," and that one or two particularly large ones are marked "Grant."' "

That statement, borne upon the wings of the press, has gone to be read from sea to sea. And yet, sir, the alleged author of that blasting statement is chief among those who rise in this chamber to deny to the President of the United States the privilege of sending, without cost beyond expenses, a commission of intelligent and unbiased men to report whether it be true that aggravated and agglomerated fraud besmears the treaty and the very soil of Samana.

Turn to some of the accusations hurled to-day at the President. The Senator said the negotiation of the treaty was managed by violence throughout; he said it was "propped" by violence throughout; and at that point he added, "This I aver"; "go and ask any resident in San Domingo, and he will tell you that it is true." And yet he, the man who again to-day speaking, as John Quincy Adams once said, that the nation may hear —he who thus speaking reiterates this charge of fraud and violence against the President and against those who were his agents, in the same breath denies a cheap and simple test of truth which might overthrow this malignant charge, a charge in regard to which the Senator says you have only to send witnesses to San Domingo, and every resident there will assure them it is true.

The next point upon which the Senator rose to excessive altitude was the verbal error in a memorandum referred to so properly by the Senator from Nevada: a Spaniard had described General Babcock as an aid-de-camp. I am not going to stop upon that point. It was eminently dramatic. It had well-nigh drowned the stage with tears; for it was at that point that, pausing with spectacular effect, the honorable member, addressing you, sir, exclaimed, "I see, sir, that you look grave." [Laughter.] It must have been the homage which civility pays to an occasion, it was the decorum which the Vice-President wears in his chair, if he could look grave when before a tribunal like this, trying such a cause as this, such a fact is adduced and spun out into dismal argument!

The Senator then again repeated that Baez had been sustained, and was now sustained, by an act of usurpation and by

the presence of an armed force. He spoke of it as a crime; and afterward he denied the assertion of the Senator from Michigan that he had assailed the President of the United States. Why, sir, if the charges made by the Senator to-day against the President be true, it would be necessary to convict him of being a fool in order to acquit him of being a knave. And yet the honorable member from Massachusetts says he has said no word against the President!

The Senator then proceeded to say, with a positiveness singular under the circumstances, that the President of the United States imitated, and I think he intimated outran, the worst acts of James Buchanan.

SENATOR SUMNER.—No, no.

SENATOR CONKLING.—The Senator shakes his head, and says "no" in his seat. I listened carefully to his statement. He was not borne upon the heady currents of debate. He spoke with premeditated design and careful preparation.

He said that the President had followed Mr. Buchanan's example in attempting to change the Committee on Foreign Relations. I allude to that statement to say that I do not know it to be true, but believe it to be false; and speaking for myself, upon my own responsibility, I say that the time has come when the Republican majority here owes it to itself to see that the Committee on Foreign Relations is reorganized and no longer led by a Senator who has launched against the Administration an assault more bitter than has proceeded from any Democratic member of this body. I say for myself that it is fit in this epoch of international commotion that the committee of this body having charge of our foreign relations shall be so composed that the President of the United States, without personal degradation, without self-abasement, and with self-respect, can go to the chairman, or send for him and hold converse with him, receiving candid and frank treatment.[1]

I am not anxious for one, to commit myself to the annexation of San Domingo. I shall endeavor to exercise the intelligence not only, but the independence, to vote upon that question, should it be presented, in the light of all the circumstances which surround it. I am not anxious to debate the merits of San Domingo now. And yet I cannot shut my eyes to some facts which I can state in a moment. I cannot forget that upward of $58,000,000 of imports come here annually from Cuba, wrung from slave labor. I cannot forget that seventy per cent.

[1] Senator Conkling's views were followed out, and Senator Sumner was left off the committee at its next formation.

of the commerce of Cuba is with us. I cannot forget that the coffee of Brazil, grown by slaves, nearly all of it comes here. I can never forget that the slave trade, flourishing in Cuba and for Cuba, rode the seas until 1861 under the stolen protection of the starry banner of the Republic; and in that connection I cannot shut my eyes to the fact that if this commission shall corroborate the tidings that we have of the condition, the soil, the climate, and the capacities of San Domingo, by its acquisition we can at once provide ourselves by the medium of free labor with the sugar and the coffee, the products of Cuba and Brazil, and take a long stride on the path which marks the civilization of the world and the melioration of humanity and its wrongs.

But, sir, as I say, I have no wish to anticipate this inquiry. The question which addresses itself to us is widely different. Those who urge this resolution protest against deciding the cause and then trying it afterward, or not trying it at all. That is the issue; and if political effect is to be given in consequence of the essay of the Senator from Massachusetts, or of the speeches upon the other side of this chamber in denunciation of the supposition that a Republican Administration is looking for territory in the Gulf of Mexico, so be it. We will argue that question in the appropriate forum with our opponents and the allies who have recently joined them; and when we do, we will go back in history; we will go back to the time when James Buchanan, John Y. Mason, August Belmont, and Pierre Soulé, assembled at the tomb of Charlemagne and proclaimed the Ostend manifesto. We will go back to the time when it was Democratic doctrine, not only that we needed empire in the tropics, not only that we longed for the West Indian islands, but that the Queen of the Antilles was so essential to us that, falling back on the elementary doctrine of self-preservation, we would assert Rob Roy's right, assert the dogma that might makes right, and, in the language of Mr. Soulé, responding to a serenade in the city of New York, "tear it by force from the old Spanish wolf." That was commendable Democratic doctrine in those days, yet Democrats are against honest purchase now. We will argue before that great jury, too numerous to be packed and too virtuous to be bribed, the question whether in this day it is safe honestly, economically, cheaply to oppose free labor in San Domingo to the slave labor of the cane fields of Cuba, and whether in truth, if this island proves of the value and abounding in the promises ascribed to it, it is wise or otherwise that we acquire it.

But, sir, that question in its political bearings is not here.

The question for any purpose whatever is not here. The simple question is whether we will consent to an impartial inquiry.

Mr. President, well is it for the President of the United States, if he be sensitive touching the licentious tongues of his fellow-countrymen, that he did not presume so far as to act on what I think I have heard denominated personal government, as to undertake, without the assent or the authority of Congress, to send commissioners to San Domingo. This chamber would not have been large enough to hold the sound or the reverberations of that sound with which denunciations would have rolled against such an act. Cautious as he has ever been, gifted not only with sight but with insight, he judged, I think, wisely in not hazarding upon the borders of his power an act of his own to accomplish this purpose.

There is no trick underneath this proposition. It is a respect and constitutional deference to Congress. I assume that the President does approve this resolution; I will assume that it is couched in the very words, if you please, in which he would approve it; and then I say it is the decorous, constitutional mode of reaching the end in view. It is the proper way of establishing for the credit of the American name, not to speak of individuals, the falsehood, if they be false, of those accusations which have darkened the air since the original treaty was negotiated. It is the mode at the same time of bringing to us that information, without which the Senate once acted, that information the want of which was trumpeted throughout the land as the fatal vice in the treaty; that information which will enable us to speak with intelligence upon a grave national question.

Senator Thurman rose in defence of Senator Sumner.

The Senator from Michigan [Mr. Chandler] was pleased to tell the Senator from Massachusetts that when he came to train this little body of Democrats here it would not be a very difficult task, that there were not so many of them but that he might dress them in line without any very great military genius to enable him to do so. When the Senator made that remark my memory took me back eighteen years to the memorable year 1852. There was a presidential election that year. There were two candidates, the Whig candidate, General Winfield Scott, the Democratic candidate, General Franklin Pierce. They stood upon platforms that in one particular had no essential difference whatever; platforms that denounced in almost the same

language and with precisely the same meaning any agitation whatever of the subject of slavery or the abolition thereof. But there was one man in the Senate of the United States that day, and but one, who repudiated both platforms and both candidates; and that man was Charles Sumner. I see him standing in the Senate chamber then without a single follower. He had no ten men, the number of the Democrats here, to dress into line then; he had nobody but himself, and I have lived to see the day when sixty Senators of the Republican party, the Senator from Michigan among them, too, were following in his footsteps with the most implicit obedience.

Where then were you who now talk of nothing but freedom? Where then were you who now boast of the enfranchisement of the African race? Where then were you who are so ready to denounce any man that ever stood up for the institutions of the country, or at least sought to prevent the country from being ruined by their disturbance? Where were you, Republican Senators, in the year 1852, when the Senator from Massachusetts stood, if not solitary, at least alone? Where were you? One half of you, or nearly so, voting for Franklin Pierce, and the rest of you for Winfield Scott.

Now, I am not here to defend the Senator from Massachusetts. He is quite able to defend himself. I am not here to nominate him as commander-in-chief of this little body of Democrats. I do not think they want his leadership, and I do not think he seeks the command. But when he is reproached with the small number of his followers, with the number ten, I call the attention of the Senate to the fact that eighteen years ago he had not one-tenth of ten to follow him, although since that he has had six times ten to obey his commands.

But, again, is there nobody in this chamber who concurs in the opposition of the Senator from Massachusetts to the annexation of San Domingo but this little band of ten Democrats? Are we all? If that be the case, why was not the treaty ratified? If "shoot the deserters" be the word; if "scalp those who do not march with perfect fidelity at the command of the President of the United States" be the order of the day, why is it that the Senator from Massachusetts alone is assaulted, and all those who concurred with him in opposing the ratification of the treaty and now concur with him in opposition to this resolution, members of the Republican party, Republican Senators, are left without assault, and that no scalp of theirs is taken from their heads?

If the result of this discussion and of the vote on this reso-

lution is to be the condemnation of Charles Sumner, it is to be the condemnation of a score of Republicans who stand by his side in this controversy. If you are ready to shoot the deserters, or if you are ready to expel them from your ranks, gentlemen, do it as soon as you please. Your party has opened wide arms to deserters; you have looked no gift horses in the mouth; you have taken everything that came, whether halt, lame, or blind. Perhaps we may be as charitable to you [laughter], and when you begin that expulsion which seems to be the order of the day and inaugurated to-night I believe we shall not put you upon too much penance if we only have some reason to hope that you will train with some little degree of fidelity in the Democratic ranks.

Senator Thurman closed by giving his reasons why he was opposed to the annexation of Dominica.

It is because I am opposed to acquiring Hayti [the other part of the island] by force or by fraud; because I am opposed to an increase of the army and the navy; because I am opposed to increasing the expenses of the Government, and because I am opposed to taking any further step in what I think, with all deference to others, is the downward road we are treading toward a consolidated despotism in this land, that I must give my vote at every stage of the case, from first to last, against all propositions that look to the annexation of Dominica.

The joint resolution was passed by 32 yeas, 9 nays.

On January 9, 1871, the resolution was brought before the House. Jacob A. Ambler [O.] moved the following amendment:

Provided, That nothing in this resolution contained shall be held, understood, or construed as committing Congress to the policy of annexing the territory of said republic of Dominica.

After considerable discussion this amendment was adopted on January 10 by a vote of 108 yeas, 76 nays; and the resolution was passed by a vote of 123 yeas, 63 nays.

The Senate concurred in the House amendment on January 11 by a vote of 57 yeas and 0 nays. The joint resolution was signed by the President on the 12th.

The President appointed on this commission: Benjamin F. Wade [O.], Andrew D. White [N. Y.], and Samuel G. Howe [Mass.]. After thorough personal investigation of the republic of Dominica they reported that it should be annexed.

In communicating the report to Congress on April 5, 1871, the President said:

> The mere rejection by the Senate of a treaty negotiated by the President only indicates a difference of opinion among different departments of the Government, without touching the character or wounding the pride of either. But when such rejection takes place simultaneously with charges, openly made, of corruption on the part of the President, or of those employed by him, the case is different. Indeed, in such case the honor of the nation demands investigation. This has been accomplished by the report of the commissioners, herewith transmitted, and which fully vindicates the purity of motives and action of those who represented the United States in the negotiation. And now my task is finished, and with it ends all personal solicitude upon the subject. My duty being done, yours begins, and I gladly hand over the whole matter to the judgment of the American people and of their representatives in Congress assembled.
>
> "In again submitting to Congress a subject upon which public sentiment has been divided, and which has been made the occasion of acrimonious debates in Congress, as well as of unjust aspersions elsewhere, I may, I trust, be indulged in a single remark. No man could hope to perform duties so delicate and responsible as pertain to the presidential office without sometimes incurring the hostility of those who deem their opinions and wishes treated with insufficient consideration; and he who undertakes to conduct the affairs of a great government as a faithful public servant, if sustained by the approval of his own conscience, may rely with confidence upon the candor and intelligence of a free people, whose best interest he has striven to subserve, and can bear with patience the censure of disappointed men."

The President's view, expressed in his last sentence, that the cause of Senator Sumner's attack upon him was disappointed ambition was generally accepted by the country. After the attack the two statesmen held no personal intercourse, and in 1872 the Senator joined

in the Liberal Republican movement to elect Horace Greeley to the Presidency in place of General Grant.

Beyond submitting the report of the commission the President made no attempt to secure further action on the annexation of San Domingo, and the project was quietly dropped by Congress. He nevertheless held to his belief in the expediency of the measure, recurring to it in his last annual message (December, 1876):

"If my views had been concurred in, the country would be in a more prosperous condition to-day, both politically and financially."

CHAPTER II

The Venezuela Boundary

Special Message of President Cleveland—Correspondence Between Lord Salisbury, British Prime Minister, and Richard Olney, American Secretary of State, on the Monroe Doctrine—The "War Scare"—Boundary Commission Appointed—Dispute Arbitrated.

ON December 17, 1895, President Cleveland sent a special message to the Senate on the dispute between Great Britain and Venezuela over the boundary between British Guiana and Venezuela.

This dispute, which had been in existence for fifty years, had been brought to a crisis by recent encroachments of the British upon what Venezuela considered her territory.

Richard Olney, American Secretary of State, had entered into extensive correspondence with the British Government, through its Ambassador at Washington, Sir Julian Pauncefote, on the subject of our rights under the Monroe Doctrine, and had been met by Lord Salisbury, the British prime minister, with a refusal to admit that the Monroe Doctrine, whatever its expediency, "is clothed with the sanction which belongs to a doctrine of international law." This correspondence the President laid before the Senate with his message.

The Venezuela Boundary

Special Message of President Cleveland

In my annual message addressed to the Congress on the 3d instant I called attention to the pending boundary controversy between Great Britain and the Republic of Venezuela, and recited the substance of a representation made by this Government to Her Britannic Majesty's Government suggesting rea-

sons why such dispute should be submitted to arbitration for settlement and inquiring whether it would be so submitted.

The answer of the British Government, which was then awaited, has since been received, and, together with the dispatch to which it is a reply, is hereto appended.

Such reply is embodied in two communications by the British prime minister to Sir Julian Pauncefote, the British ambassador at this capital. It will be seen that one of these communications is devoted exclusively to observations upon the Monroe Doctrine, and claims that in the present instance a new and strange extension and development of this doctrine is insisted on by the United States, that the reasons justifying an appeal to the doctrine enunciated by President Monroe are generally inapplicable "to the state of things in which we live at the present day," and especially inapplicable to a controversy involving the boundary line between Great Britain and Venezuela.

Without attempting extended argument in reply to these positions, it may not be amiss to suggest that the doctrine upon which we stand is strong and sound because its enforcement is important to our peace and safety as a nation, and is essential to the integrity of our free institutions and the tranquil maintenance of our distinctive form of government. It was intended to apply to every stage of our national life, and cannot become obsolete while our Republic endures. If the balance of power is justly a cause for jealous anxiety among the governments of the Old World and a subject for our absolute non-interference, none the less is an observance of the Monroe doctrine of vital concern to our people and their Government.

Assuming, therefore, that we may properly insist upon this doctrine without regard to "the state of things in which we live," or any changed conditions here or elsewhere, it is not apparent why its application may not be invoked in the present controversy.

If a European power, by an extension of its boundaries, takes possession of the territory of one of our neighboring republics against its will and in derogation of its rights, it is difficult to see why, to that extent, such European power does not thereby attempt to extend its system of government to that portion of this continent which is thus taken. This is the precise action which President Monroe declared to be "dangerous to our peace and safety," and it can make no difference whether the European system is extended by an advance of frontier or otherwise.

It is also suggested in the British reply that we should not seek to apply the Monroe Doctrine to the pending dispute because it does not embody any principle of international law which "is founded on the general consent of nations," and that "no statesman, however eminent, and no nation, however powerful, are competent to insert into the code of international law a novel principle which was never recognized before, and which has not since been accepted by the government of any other country."

Practically the principle for which we contend has peculiar, if not exclusive, relation to the United States. It may not have been admitted in so many words to the code of international law, but since in international councils every nation is entitled to the rights belonging to it, if the enforcement of the Monroe Doctrine is something we may justly claim, it has its place in the code of international law as certainly and as securely as if it were specifically mentioned, and when the United States is a suitor before the high tribunal that administers international law the question to be determined is whether or not we present claims which the justice of that code of law can find to be right and valid.

The Monroe Doctrine finds its recognition in those principles of international law which are based upon the theory that every nation shall have its rights protected and its just claims enforced.

Of course this Government is entirely confident that under the sanction of this doctrine we have clear rights and undoubted claims. Nor is this ignored in the British reply. The prime minister, while not admitting that the Monroe Doctrine is applicable to present conditions, states: "In declaring that the United States would resist any such enterprise if it was contemplated President Monroe adopted a policy which received the entire sympathy of the English Government of that date." He further declares: "Though the language of President Monroe is directed to the attainment of objects which most Englishmen would agree to be salutary, it is impossible to admit that they have been inscribed by any adequate authority in the code of international law."

Again the prime minister says: "They (Her Majesty's Government) fully concur with the view which President Monroe apparently entertained, that any disturbance of the existing territorial distribution in that hemisphere by any fresh acquisition on the part of any European state would be a highly inexpedient change."

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In the belief that the doctrine for which we contend was clear and definite, that it was founded upon substantial considerations and involved our safety and welfare, that it was fully applicable to our present conditions and to the state of the world's progress, and that it was directly related to the pending controversy, and without any conviction as to the final merits of the dispute, but anxious to learn in a satisfactory and conclusive manner whether Great Britain sought, under a claim of boundary, to extend her possessions on this continent without right, or whether she merely sought possession of territory fairly included within her lines of ownership, this Government proposed to the Government of Great Britain a resort to arbitration as the proper means of settling the question, to the end that a vexatious boundary dispute between the two contestants might be determined and our exact standing and relation in respect to the controversy might be made clear.

It will be seen from the correspondence herewith submitted that this proposition has been declined by the British Government, upon grounds which, in the circumstances, seem to me to be far from satisfactory. It is deeply disappointing that such an appeal, actuated by the most friendly feelings toward both nations directly concerned, addressed to the sense of justice and to the magnanimity of one of the great powers of the world and touching its relations to one comparatively weak and small, should have produced no better results.

The course to be pursued by this Government, in view of the present condition, does not appear to admit of serious doubt. Having labored faithfully for many years to induce Great Britain to submit this dispute to impartial arbitration, and having been now finally apprised of her refusal to do so, nothing remains but to accept the situation, to recognize its plain requirements, and deal with it accordingly. Great Britain's present proposition has never thus far been regarded as admissible by Venezuela, though any adjustment of the boundary which that country may deem for her advantage and may enter into of her own free will cannot of course be objected to by the United States.

Assuming, however, that the attitude of Venezuela will remain unchanged, the dispute has reached such a stage as to make it now incumbent upon the United States to take measures to determine with sufficient certainty for its justification what is the true divisional line between the Republic of Venezuela and British Guiana. The inquiry to that end should of course be conducted carefully and judicially, and due weight should be

given to all available evidence, records, and facts in support of the claims of both parties.

In order that such an examination should be prosecuted in a thorough and satisfactory manner, I suggest that the Congress make an adequate appropriation for the expenses of a commission, to be appointed by the Executive, who shall make the necessary investigation and report upon the matter with the least possible delay. When such report is made and accepted it will, in my opinion, be the duty of the United States to resist, by every means in its power, as a willful aggression upon its rights and interests, the appropriation by Great Britain of any lands or the exercise of governmental jurisdiction over any territory which, after investigation, we have determined of right belongs to Venezuela.

In making these recommendations I am fully alive to the responsibility incurred, and keenly realize all the consequences that may follow.

I am, nevertheless, firm in my conviction that, while it is a grievous thing to contemplate the two great English-speaking peoples of the world as being otherwise than friendly competitors in the onward march of civilization and strenuous and worthy rivals in all the arts of peace, there is no calamity which a great nation can invite which equals that which follows a supine submission to wrong and injustice and the consequent loss of national self-respect and honor, beneath which are shielded and defended a people's safety and greatness.

Diplomatic Debate on the Venezuela Boundary

Secretary Olney to Ambassador Bayard, July 20, 1895

The Secretary recounted the status of the dispute. He then said:

The foregoing analysis shows the status to be such that those charged with the interests of the United States are now forced to determine exactly what those interests are and what course of action they require. It compels them to decide to what extent, if any, the United States may and should intervene in a controversy between and primarily concerning only Great Britain and Venezuela, and to decide how far it is bound to see that the integrity of Venezuelan territory is not impaired by the pretensions of its powerful antagonist. Are any such right and duty devolved upon the United States? If not, the

United States has already done all, if not more than all, that a purely sentimental interest in the affairs of the two countries justifies, and to push its interposition further would be unbecoming and undignified, and might well subject it to the charge of impertinent intermeddling with affairs with which it has no rightful concern. On the other hand, if any such right and duty exist, their due exercise and discharge will not permit of any action that shall not be efficient, and that, if the power of the United States is adequate, shall not result in the accomplishment of the end in view.

That there are circumstances under which a nation may justly interpose in a controversy to which two or more other nations are the direct and immediate parties is an admitted canon of international law. The doctrine is ordinarily expressed in terms of the most general character, and is perhaps incapable of more specific statement. It is declared in substance that a nation may avail itself of this right whenever what is done or proposed by any of the parties primarily concerned is a serious and direct menace to its own integrity, tranquillity, or welfare. On the other hand, it is an inevitable though unfortunate consequence of the wide scope of the rule that intervention has only too often been made a cloak for schemes of wanton spoliation and aggrandizement. We are concerned at this time, however, not so much with the general rule as with a form of it which is peculiarly and distinctively American.

Here the Secretary recounted the foreign policy of the United States from the Administration of Washington to that of Monroe.

The Monroe Administration did not content itself with formulating a correct rule for the regulation of the relations between Europe and America. It aimed at also securing the practical benefits to result from the application of the rule. Hence the President's famous message declared that the American continents were fully occupied and were not the subjects for future colonization by European powers. To this spirit and this purpose also are to be attributed the passages of the same message which treat any infringement of the rule against interference in American affairs on the part of the powers of Europe as an act of unfriendliness to the United States. It was realized that it was futile to lay down such a rule unless its observance could be enforced. It was manifest that the United States was the only power in this hemisphere capable of

enforcing it. It was therefore courageously declared not merely that Europe ought not to interfere in American affairs, but that any European power doing so would be regarded as antagonizing the interests and inviting the opposition of the United States.

That America is in no part open to colonization, though the proposition was not universally admitted at the time of its first enunciation, has long been universally conceded. We are now concerned, therefore, only with that other practical application of the Monroe Doctrine, the disregard of which by an European power is to be deemed an act of unfriendliness toward the United States. The precise scope and limitations of this rule cannot be too clearly apprehended. It does not establish any general protectorate by the United States over other American states. It does not relieve any American state from its obligations as fixed by international law, nor prevent any European power directly interested from enforcing such obligations or from inflicting merited punishment for the breach of them. It does not contemplate any interference in the internal affairs of any American state or in the relations between it and other American states. It does not justify any attempt on our part to change the established form of government of any American state or to prevent the people of such state from altering that form according to their own will and pleasure. The rule in question has but a single purpose and object. It is that no European power or combination of European powers shall forcibly deprive an American state of the right and power of self-government and of shaping for itself its own political fortunes and destinies.

That the rule thus defined has been the accepted public law of this country ever since its promulgation cannot fairly be denied. Three years after its promulgation, Webster declared that the doctrine involved the honor of the country. "I look upon it," he said, "as part of its treasures of reputation, and for one I intend to guard it," and he added:

"I look on the message of December, 1823, as forming a bright page in our history. I will help neither to erase it nor tear it out; nor shall it be by any act of mine blurred or blotted. It did honor to the sagacity of the Government, and I will not diminish that honor."

Though the rule thus highly eulogized by Webster has never been formally affirmed by Congress, the House in 1864 declared against the Mexican monarchy sought to be set up by the French as not in accord with the policy of the United States,

and in 1880 the Senate expressed its disapproval of the connection of any European power with a canal across the Isthmus of Darien or Central America. It is manifest that if a rule has been openly and uniformly declared and acted upon by the executive branch of the Government for more than seventy years without express repudiation by Congress, it must be conclusively presumed to have its sanction. Nor, if the practical results of the rule be sought for, is the record either meager or obscure.

Its first and immediate effect was indeed most momentous and far reaching. It was the controlling factor in the emancipation of South America and to it the independent states which now divide that region between them are largely indebted for their very existence. Since then the most striking single achievement to be credited to the rule is the evacuation of Mexico by the French upon the termination of the Civil War. But we are also indebted to it for the provisions of the Clayton-Bulwer treaty, which both neutralized any interoceanic canal across Central America and expressly excluded Great Britain from occupying or exercising any dominion over any part of Central America. It has been used in the case of Cuba as if justifying the position that, while the sovereignty of Spain will be respected, the island will not be permitted to become the possession of any other European power. It has been influential in bringing about the definite relinquishment of any supposed protectorate by Great Britain over the Mosquito Coast.

The foregoing enumeration not only shows the many instances wherein the rule in question has been affirmed and applied, but also demonstrates that the Venezuelan boundary controversy is in any view far within the scope and spirit of the rule as uniformly accepted and acted upon. A doctrine of American public law thus long and firmly established and supported could not easily be ignored in a proper case for its application, even were the considerations upon which it is founded obscure or questionable. No such objection can be made, however, to the Monroe Doctrine, understood and defined in the manner already stated. It rests, on the contrary, upon facts and principles that are both intelligible and incontrovertible. That distance and 3,000 miles of intervening ocean make any permanent political union between an European and an American state unnatural and inexpedient will hardly be denied. But physical and geographical considerations are the least of the objections to such a union. Europe, as Washington observed, has a set of primary interests which are peculiar to

herself. America is not interested in them and ought not to be vexed or complicated with them.

What is true of the material is no less true of what may be termed the moral interests involved. Those pertaining to Europe are peculiar to her and are entirely diverse from those pertaining and peculiar to America. Europe as a whole is monarchical, and, with the single important exception of the Republic of France, is committed to the monarchical principle. America, on the other hand, is devoted to the exactly opposite principle—to the idea that every people has an inalienable right of self-government—and in the United States of America has furnished to the world the most conspicuous and conclusive example and proof of the excellence of free institutions, whether from the standpoint of national greatness or of individual happiness. It cannot be necessary, however, to enlarge upon this phase of the subject. Whether moral or material interests be considered, it cannot but be universally conceded that those of Europe are irreconcilably diverse from those of America, and that any European control of the latter is necessarily both incongruous and injurious. If, however, for the reasons stated, the forcible intrusion of European powers into American politics is to be deprecated—if, as it is to be deprecated, it should be resisted and prevented—such resistance and prevention must come from the United States. They would come from it, of course, were it made the point of attack. But, if they come at all, they must also come from it when any other American state is attacked, since only the United States has the strength adequate to the exigency.

Is it true, then, that the safety and welfare of the United States are so concerned with the maintenance of the independence of every American state as against any European power as to justify and require the interposition of the United States whenever that independence is endangered? The question can be candidly answered in but one way. The states of America, south as well as north, by geographical proximity, by natural sympathy, by similarity of governmental constitutions, are friends and allies, commercially and politically, of the United States. To allow the subjugation of any of them by an European power is, of course, to completely reverse that situation and signifies the loss of all the advantages incident to their natural relations to us. But that is not all. The people of the United States have a vital interest in the cause of popular self-government. They have secured the right for themselves and their posterity at the cost of infinite blood and treasure.

They have realized and exemplified its beneficent operation by a career unexampled in point of national greatness or individual felicity. They believe it to be for the healing of all nations, and that civilization must either advance or retrograde accordingly as its supremacy is extended or curtailed. Imbued with these sentiments, the people of the United States might not impossibly be wrought up to an active propaganda in favor of a cause so highly valued both for themselves and for mankind. But the age of the Crusades has passed, and they are content with such assertion and defence of the right of popular self-government as their own security and welfare demand. It is in that view more than in any other that they believe it not to be tolerated that the political control of an American state shall be forcibly assumed by an European power.

The mischiefs apprehended from such a source are none the less real because not immediately imminent in any specific case, and are none the less to be guarded against because the combination of circumstances that will bring them upon us cannot be predicted. The civilized states of Christendom deal with each other on substantially the same principles that regulate the conduct of individuals. The greater its enlightenment, the more surely every state perceives that its permanent interests require it to be governed by the immutable principles of right and justice. Each, nevertheless, is only too liable to succumb to the temptations offered by seeming special opportunities for its own aggrandizement, and each would rashly imperil its own safety were it not to remember that for the regard and respect of other states it must be largely dependent upon its own strength and power. To-day the United States is practically sovereign on this continent, and its fiat is law upon the subjects to which it confines its interposition. Why? It is not because of the pure friendship or good will felt for it. It is not simply by reason of its high character as a civilized state, nor because wisdom and justice and equity are the invariable characteristics of the dealings of the United States. It is because, in addition to all other grounds, its infinite resources, combined with its isolated position, render it master of the situation and practically invulnerable as against any or all other powers.

All the advantages of this superiority are at once imperiled if the principle be admitted that European powers may convert American states into colonies or provinces of their own. The principle would be eagerly availed of, and every power doing so would immediately acquire a base of military operations against us. What one power was permitted to do could not be

denied to another, and it is not inconceivable that the struggle now going on for the acquisition of Africa might be transferred to South America. If it were, the weaker countries would unquestionably be soon absorbed, while the ultimate result might be the partition of all South America between the various European powers. The disastrous consequences to the United States of such a condition of things are obvious. The loss of prestige, of authority, and of weight in the councils of the family of nations would be among the least of them. Our only real rivals in peace as well as enemies in war would be found located at our very doors. Thus far in our history we have been spared the burdens and evils of immense standing armies and all the other accessories of huge warlike establishments, and the exemption has largely contributed to our national greatness and wealth as well as to the happiness of every citizen. But, with the powers of Europe permanently encamped on American soil, the ideal conditions we have thus far enjoyed cannot be expected to continue. We, too, must be armed to the teeth; we, too, must convert the flower of our male population into soldiers and sailors, and, by withdrawing these citizens from the various pursuits of peaceful industry, we, too, must practically annihilate a large share of the productive energy of the nation.

How a greater calamity than this could overtake us it is difficult to see. Nor are our just apprehensions to be allayed by suggestions of the friendliness of European powers—of their good will toward us—of their disposition, should they be our neighbors, to dwell with us in peace and harmony. The people of the United States have learned in the school of experience to what extent the relations of states to each other depend not upon sentiment nor principle, but upon selfish interest. They will not soon forget that, in their hour of distress, all their anxieties and burdens were aggravated by the possibility of demonstrations against their national life on the part of powers with whom they had long maintained the most harmonious relations. They have yet in mind that France seized upon the apparent opportunity of our Civil War to set up a monarchy in the adjoining state of Mexico. They realize that had France and Great Britain held important South American possessions to work from and to benefit, the temptation to destroy the predominance of the great Republic in this hemisphere by furthering its dismemberment might have been irresistible. From that grave peril they have been saved in the past and may be saved again in the future through the operation of the sure but silent

force of the doctrine proclaimed by President Monroe. To abandon it, on the other hand, disregarding both the logic of the situation and the facts of our past experience, would be to renounce a policy which has proved both an easy defence against foreign aggression and a prolific source of internal progress and prosperity.

There is, then, a doctrine of American public law, well founded in principle and abundantly sanctioned by precedent, which entitles and requires the United States to treat as an injury to itself the forcible assumption by an European power of political control over an American state. The application of the doctrine to the boundary dispute between Great Britain and Venezuela remains to be made and presents no real difficulty. Though the dispute relates to a boundary line, yet, as it is between states, it necessarily imports political control to be lost by one party and gained by the other. The political control at stake, too, is of no mean importance but concerns a domain of great extent—the British claim, it will be remembered, apparently expanded in two years some 33,000 square miles—and, if it also directly involves the command of the mouth of the Orinoco, is of immense consequence in connection with the whole river navigation of the interior of South America. It has been intimated, indeed, that in respect of these South American possessions Great Britain is herself an American state like any other, so that a controversy between her and Venezuela is to be settled between themselves as if it were between Venezuela and Brazil or between Venezuela and Columbia, and does not call for or justify United States intervention. If this view be tenable at all, the logical sequence is plain.

Great Britain as a South American state is to be entirely differentiated from Great Britain generally, and, if the boundary question cannot be settled otherwise than by force, British Guiana, with her own independent resources, and not those of the British Empire, should be left to settle the matter with Venezuela—an arrangement which very possibly Venezuela might not object to. But the proposition that an European power with an American dependency is, for the purposes of the Monroe Doctrine, to be classed not as an European but as an American state will not admit of serious discussion. If it were to be adopted, the Monroe Doctrine would be too valueless to be worth asserting. Not only would every European power now having a South American colony be enabled to extend its possessions on this continent indefinitely, but any other European power might also do the same by first taking pains

to procure a fraction of South American soil by voluntary cession.

The declaration of the Monroe message—that existing colonies or dependencies of an European power would not be interfered with by the United States—means colonies or dependencies then existing, with their limits as then existing. So it has been invariably construed, and so it must continue to be construed unless it is to be deprived of all vital force. Great Britain cannot be deemed a South American state within the purview of the Monroe Doctrine, nor, if she is appropriating Venezuelan territory, is it material that she does so by advancing the frontier of an old colony instead of by the planting of a new colony. The difference is matter of form and not of substance, and the doctrine, if pertinent in the one case, must be in the other also. It is not admitted, however, and therefore cannot be assumed, that Great Britain is in fact usurping dominion over Venezuelan territory. While Venezuela charges such usurpation, Great Britain denies it, and the United States, until the merits are authoritatively ascertained, can take sides with neither. But while this is so—while the United States may not, under existing circumstances at least, take upon itself to say which of the two parties is right and which wrong—it is certainly within its right to demand that the truth shall be ascertained. Being entitled to resent and resist any sequestration of Venezuelan soil by Great Britain, it is necessarily entitled to know whether such sequestration has occurred or is now going on. Otherwise, if the United States is without the right to know and have it determined whether there is or is not British aggression upon Venezuelan territory, its right to protest against or repel such aggression may be dismissed from consideration.

The right to act upon a fact the existence of which there is no right to have ascertained is simply illusory. It being clear, therefore, that the United States may legitimately insist upon the merits of the boundary question being determined, it is equally clear that there is but one feasible mode of determining them, viz., peaceful arbitration. Great Britain admits that there is a controversy and that arbitration should be resorted to for its adjustment. But the practical effect of this admission is completely nullified by her insistence that the submission shall cover but a part of the controversy—that, as a condition of arbitrating her right to a part of the disputed territory, the remainder shall be turned over to her. If it were possible to point to a boundary which both parties had ever

agreed or assumed to be such either expressly or tacitly, the demand that territory conceded by such line to British Guiana should be held not to be in dispute might rest upon a reasonable basis. But there is no such line. The territory which Great Britain insists shall be ceded to her as a condition of arbitrating her claim to other territory has never been admitted to belong to her. It has always and consistently been claimed by Venezuela.

Upon what principle—except her feebleness as a nation—is she to be denied the right of having the claim heard and passed upon by an impartial tribunal? No reason nor shadow of reason appears in all the voluminous literature of the subject. "It is to be so because I will it to be so" seems to be the only justification Great Britain offers. It is, indeed, intimated that the British claim to this particular territory rests upon an occupation which, whether acquiesced in or not, has ripened into a perfect title by long continuance. But what prescription affecting territorial rights can be said to exist as between sovereign states? Or, if there is any, what is the legitimate consequence? It is not that all arbitration should be denied, but only that the submission should embrace an additional topic, namely, the validity of the asserted prescriptive title either in point of law or in point of fact. No different result follows from the contention that as matter of principle Great Britain cannot be asked to submit and ought not to submit to arbitration her political and sovereign rights over territory. This contention, if applied to the whole or to a vital part of the possessions of a sovereign state, need not be controverted. To hold otherwise might be equivalent to holding that a sovereign state was bound to arbitrate its very existence.

But Great Britain has herself shown in various instances that the principle has no pertinency when either the interests or the territorial area involved are not of controlling magnitude and her loss of them as the result of an arbitration cannot appreciably affect her honor or her power. Thus she has arbitrated the extent of her colonial possessions twice with the United States, twice with Portugal, and once with Germany, and perhaps in other instances. By the award of the Emperor of Germany, the arbitration in the Oregon boundary case, the United States acquired San Juan and a number of smaller islands near the coast of Vancouver as a consequence of the decision that the term "the channel which separates the continent from Vancouver Island," as used in the treaty of Washington of 1846, meant the Haro channel and not the Rosario

channel. Yet a leading contention of Great Britain before the arbitrator was that equity required a judgment in her favor because a decision in favor of the United States would deprive British subjects of rights of navigation of which they had had the habitual enjoyment from the time when the Rosario Strait was first explored and surveyed in 1798.

Therefore the British demand that her right to a portion of the disputed territory shall be acknowledged before she will consent to an arbitration as to the rest seems to stand upon nothing but her own *ipse dixit*. She says to Venezuela, in substance: "You can get none of the debatable land by force, because you are not strong enough; you can get none by treaty because I will not agree; and you can take your chance of getting a portion by arbitration only if you first agree to abandon to me such other portion as I may designate." It is not perceived how such an attitude can be defended nor how it is reconcilable with that love of justice and fair play so eminently characteristic of the English race. It in effect deprives Venezuela of her free agency and puts her under virtual duress. Territory acquired by reason of it will be as much wrested from her by the strong hand as if occupied by British troops or covered by British fleets. It seems, therefore, quite impossible that this position of Great Britain should be assented to by the United States, or that, if such position be adhered to with the result of enlarging the bounds of British Guiana, it should not be regarded as amounting, in substance, to an invasion and conquest of Venezuelan territory.

In these circumstances the duty of the President appears to him unmistakable and imperative. Great Britain's assertion of title to the disputed territory, combined with her refusal to have that title investigated, being a substantial appropriation of the territory to her own use, not to protest and give warning that the transaction will be regarded as injurious to the interests of the people of the United States, as well as oppressive in itself, would be to ignore an established policy with which the honor and welfare of this country are closely identified. While the measures necessary or proper for the vindication of that policy are to be determined by another branch of the Government, it is clearly for the Executive to leave nothing undone which may tend to render such determination unnecessary.

You are instructed, therefore, to present the foregoing views to Lord Salisbury and to reënforce them by such pertinent considerations as will doubtless occur to you. They call for a definite decision upon the point whether Great Britain will con-

sent or will decline to submit the Venezuelan boundary question in its entirety to impartial arbitration. It is the earnest hope of the President that the conclusion will be on the side of arbitration, and that Great Britain will add one more to the conspicuous precedents she has already furnished in favor of that wise and just mode of adjusting international disputes. If he is to be disappointed in that hope, however—a result not to be anticipated and in his judgment calculated to greatly embarrass the future relations between this country and Great Britain—it is his wish to be made acquainted with the fact at such early date as will enable him to lay the whole subject before Congress in his next annual message.

LORD SALISBURY TO SIR JULIAN PAUNCEFOTE, NOVEMBER 26, 1895

The contentions set forth by Mr. Olney are represented by him as being an application of the political maxims which are well known in American discussion under the name of the Monroe Doctrine. As far as I am aware, this doctrine has never been before advanced on behalf of the United States in any written communication addressed to the government of another nation; but it has been generally adopted and assumed as true by many eminent writers and politicians in the United States. It is said to have largely influenced the Government of that country in the conduct of its foreign affairs; though Mr. Clayton, who was Secretary of State under President Taylor, expressly stated that that Administration had in no way adopted it. But, during the period that has elapsed since the message of President Monroe was delivered in 1823, the doctrine has undergone a very notable development, and the aspect which it now presents in the hands of Mr. Olney differs widely from its character when it first issued from the pen of its author. The two propositions which in effect President Monroe laid down were, first, that America was no longer to be looked upon as a field for European colonization; and, secondly, that Europe must not attempt to extend its political system to America, or to control the political condition of any of the American communities who had recently declared their independence.

The dangers against which President Monroe thought it right to guard were not as imaginary as they would seem at the present day. The formation of the Holy Alliance; the congresses of Laybach and Verona; the invasion of Spain by France for the purpose of forcing upon the Spanish people a form of government which seemed likely to disappear, unless

it was sustained by external aid, were incidents fresh in the mind of President Monroe when he penned his celebrated message. The system of which he speaks, and of which he so resolutely deprecates the application to the American continent, was the system then adopted by certain powerful states upon the continent of Europe of combining to prevent by force of arms the adoption in other countries of political institutions which they disliked, and to uphold by external pressure those which they approved. Various portions of South America had recently declared their independence, and that independence had not been recognized by the Governments of Spain and Portugal, to which, with small exception, the whole of Central and South America were nominally subject. It was not an imaginary danger that he foresaw, if he feared that the same spirit which had dictated the French expedition into Spain might inspire the more powerful governments of Europe with the idea of imposing, by the force of European arms, upon the South American communities the form of government and the political connection which they had thrown off. In declaring that the United States would resist any such enterprise if it was contemplated, President Monroe adopted a policy which received the entire sympathy of the English Government of that date.

The dangers which were apprehended by President Monroe have no relation to the state of things in which we live at the present day. There is no danger of any Holy Alliance imposing its system upon any portion of the American continent, and there is no danger of any European state treating any part of the American continent as a fit object for European colonization. It is intelligible that Mr. Olney should invoke, in defence of the views on which he is now insisting, an authority which enjoys so high a popularity with his own fellow countrymen. But the circumstances with which President Monroe was dealing, and those to which the present American Government is addressing itself, have very few features in common. Great Britain is imposing no "system" upon Venezuela, and is not concerning herself in any way with the nature of the political institutions under which the Venezuelans may prefer to live. But the British Empire and the Republic of Venezuela are neighbors, and they have differed for some time past, and continue to differ, as to the line by which the dominions are separated. It is a controversy with which the United States have no apparent practical concern. It is difficult, indeed, to see how it can materially affect any state or community outside

those primarily interested, except perhaps other parts of Her Majesty's dominions, such as Trinidad. The disputed frontier of Venezuela has nothing to do with any of the questions dealt with by President Monroe. It is not a question of the colonization by a European power of any portion of America. It is not a question of the imposition upon the communities of South America of any system of government devised in Europe. It is simply the determination of the frontier of a British possession which belonged to the throne of England long before the Republic of Venezuela came into existence. But even if the interests of Venezuela were so far linked to those of the United States as to give to the latter a *locus standi* in this controversy, their Government apparently have not formed, and certainly do not express, any opinion upon the actual merits of the dispute.

The Government of the United States do not say that Great Britain, or that Venezuela, is in the right in the matters that are in issue. But they lay down that the doctrine of President Monroe, when he opposed the imposition of European systems, or the renewal of European colonization, confers upon them the right of demanding that when a European power has a frontier difference with a South American community the European power shall consent to refer that controversy to arbitration; and Mr. Olney states that unless Her Majesty's Government accede to this demand it will "greatly embarrass the future relations between Great Britain and the United States."

Whatever may be the authority of the doctrine laid down by President Monroe, there is nothing in his language to show that he ever thought of claiming this novel prerogative for the United States. It is admitted that he did not seek to assert a protectorate over Mexico or the states of Central and South America. Such a claim would have imposed upon the United States the duty of answering for the conduct of these states, and consequently the responsibility of controlling it. His sagacious foresight would have led him energetically to deprecate the addition of so serious a burden to those which the rulers of the United States have to bear. It follows of necessity that if the Government of the United States will not control the conduct of these communities neither can it undertake to protect them from the consequences attaching to any misconduct of which they may be guilty toward other nations. If they violate in any way the rights of another state, or of its subjects, it is not alleged that the Monroe Doctrine will assure them the assistance of the United States in escaping from any repara-

tion which they may be bound by international law to give. Mr. Olney expressly disclaims such an inference from the principles he lays down.

But the claim which he founds upon them is that if any independent American state advances a demand for territory of which its neighbor claims to be the owner, and that neighbor is the colony of a European state, the United States have a right to insist that the European state shall submit the demand and its own impugned rights to arbitration.

I will not now enter into a discussion of the merits of this method of terminating international differences. It has proved itself valuable in many cases; but it is not free from defects, which often operate as a serious drawback on its value. It is not always easy to find an arbitrator who is competent and who, at the same time, is wholly free from bias; and the task of insuring compliance with the award when it is made is not exempt from difficulty. It is a mode of settlement of which the value varies much according to the nature of the controversy to which it is applied and the character of the litigants who appeal to it. Whether, in any particular case, it is a suitable method of procedure is generally a delicate and difficult question. The only parties who are competent to decide that question are the two parties whose rival contentions are in issue. The claim of a third nation, which is unaffected by the controversy, to impose this particular procedure on either of the two others cannot be reasonably justified, and has no foundation in the law of nations.

In the remarks which I have made I have argued on the theory that the Monroe Doctrine in itself is sound. I must not, however, be understood as expressing any acceptance of it on the part of Her Majesty's Government. It must always be mentioned with respect, on account of the distinguished statesman to whom it is due and the great nation who have generally adopted it. But international law is founded on the general consent of nations; and no statesman, however eminent, and no nation, however powerful, are competent to insert into the code of international law a novel principle which was never recognized before and which has not since been accepted by the government of any other country. The United States has a right, like any other nation, to interpose in any controversy by which their own interests are affected; and they are the judge whether those interests are touched, and in what measure they should be sustained. But their rights are in no way strengthened or extended by the fact that the controversy affects some ter-

ritory which is called American. Mr. Olney quotes the case of the recent Chilean war, in which the United States declined to join with France and England in an effort to bring hostilities to a close, on account of the Monroe Doctrine. The United States were entirely in their right in declining to join in an attempt at pacification if they thought fit; but Mr. Olney's principle that "American questions are for American decision," even if it receive any countenance from the language of President Monroe (which it does not), cannot be sustained by any reasoning drawn from the law of nations.

The Government of the United States is not entitled to affirm as a universal proposition, with reference to a number of independent states for whose conduct it assumes no responsibility, that its interests are necessarily concerned in whatever may befall those states simply because they are situated in the Western Hemisphere. It may well be that the interests of the United States are affected by something that happens to Chile or to Peru, and that that circumstance may give them the right of interference; but such a contingency may equally happen in the case of China or Japan, and the right of interference is not more extensive or more assured in the one case than in the other.

Though the language of President Monroe is directed to the attainment of objects which most Englishmen would agree to be salutary, it is impossible to admit that they have been inscribed by any adequate authority in the code of international law; and the danger which such admission would involve is sufficiently exhibited both by the strange development which the doctrine has received at Mr. Olney's hands and the arguments by which it is supported in the dispatch under reply. In defence of it he says:

"That distance and 3,000 miles of intervening ocean make any permanent political union between a European and an American state unnatural and inexpedient will hardly be denied. But physical and geographical considerations are the least of the objections to such a union. Europe has a set of primary interests which are peculiar to herself; America is not interested in them, and ought not to be vexed or complicated with them."

And again:

"Thus far in our history we have been spared the burdens and evils of immense standing armies and all the other accessories of huge warlike establishments; and the exemption has highly contributed to our national greatness and wealth, as

well as to the happiness of every citizen. But, with the powers of Europe permanently encamped on American soil, the ideal conditions we have thus far enjoyed cannot be expected to continue."

The necessary meaning of these words is that the union between Great Britain and Canada; between Great Britain and Jamaica and Trinidad; between Great Britain and British Honduras or British Guiana are "inexpedient and unnatural." President Monroe disclaims any such inference from his doctrine; but in this, as in other respects, Mr. Olney develops it. He lays down that the inexpedient and unnatural character of the union between a European and American state is so obvious that it "will hardly be denied."

Her Majesty's Government is prepared emphatically to deny it on behalf of both the British and American people who are subject to her crown. They maintain that the union between Great Britain and her territories in the Western Hemisphere is both natural and expedient. They fully concur with the view which President Monroe apparently entertained, that any disturbance of the existing territorial distribution in that hemisphere by any fresh acquisitions on the part of any European state would be a highly inexpedient change. But they are not prepared to admit that the recognition of that expediency is clothed with the sanction which belongs to a doctrine of international law. They are not prepared to admit that the interests of the United States are necessarily concerned in every frontier dispute which may arise between any two of the states who possess dominion in the Western Hemisphere, and still less can they accept the doctrine that the United States is entitled to claim that the process of arbitration shall be applied to any demand for the surrender of territory which one of those states may make against another.

The publication of the President's message led to a "war scare" in this country which lowered stocks greatly and depleted the gold reserve by $10,000,000 in three weeks, occasioning a new bond issue to replenish it.

Congress upheld the President in his course by authorizing a Venezuela boundary commission (bill passed by the House on December 18, 1895, and by the Senate on December 20). The President appointed the commission on January 1, 1896.

Through the instrumentality of the United States,

aided by the investigations of the commission, a treaty was concluded between Great Britain and Venezuela on February 2, 1897, for arbitrating the dispute.

The arbitrators made their award on October 3, 1899, establishing a compromise boundary which was accepted cheerfully by Great Britain and reluctantly by Venezuela.

CHAPTER III

The Annexation of Cuba

The "Young America" Movement—The Lopez Expeditions Against Cuba —Action Taken by the United States Against Them—Denunciation of the Government by Senator David L. Yulee [Fla.]—President Fillmore Opposes Annexation of Cuba—Senator James M. Mason [Va.] on Its Ultimate Accomplishment—Edward Everett, Secretary of State, Declines to Join Great Britain and France in Controlling Cuba—President Pierce on the Desirability of Annexing Cuba—He Appoints Pierre Soulé, an Annexationist, Minister to Spain—His Message to Congress on the *Black Warrior* Affair—Representative Joshua R. Giddings [O.] on "The Conquest of Cuba"—William L. Marcy, Secretary of State, Opposes Forcible Annexation—Negotiations for Purchase of Cuba from Spain—Objections to the "Africanization of Cuba" by Spain by Senator John Slidell [La.]—The Administration Bribes the South to Support the Nebraska Bill by Promising Annexation of Cuba to Increase Slave Territory—Stephen R. Mallory [Fla.] and Judah P. Benjamin [La.] Introduce in the Senate Resolutions Against the "Africanization of Cuba"—Debate: in Favor of the Resolutions, Benjamin; Opposed, John M. Clayton [Del.] and William H. Seward [N. Y.]—President Pierce Frustrates Filibustering Expedition of Ex-Governor John A. Quitman—The Ostend Manifesto—Secretary Marcy Opposes It and Recalls Minister Soulé—President Buchanan, in His Annual Message, Informs Congress of Negotiations to Purchase Cuba, and Asks for an Appropriation to Do so—John Slidell [La.] Introduces in the Senate the Appropriation Bill Requested—Debate on the Bill: in Favor, James A. Bayard, Jr., [Del.] and Robert Toombs [Ga.]; Opposed, William H. Seward [N. Y.] and John P. Hale [N. H.]—Spain Rejects the Proposition—The Administration Still Urges the Acquisition of Cuba—Debate in the Senate: in Favor of War with Spain, Stephen R. Mallory [Fla.], Albert G. Brown [Miss.]; Opposed, Anthony Kennedy [Md.]; Bill Postponed.

AFTER the great acquisition of territory from the Mexican war, a "jingo" spirit arose in the country, in the South generally, and in the North among the ambitious younger Democratic statesmen represented by such ardent spirits as Stephen A. Douglas, Senator from Illinois. The South, disappointed that

slavery was excluded (by the State though not by the Federal Government from California, desired more territory to which it could be admitted, and "Young America," as the Douglas element in the North was called, wished that the country should take a more prominent place in world politics.

In 1849 a filibustering expedition had been organized in the United States against Spanish rule in Cuba by a certain Captain White, which was thwarted by President Taylor in his proclamation of August 11, 1849, although the leaders escaped punishment. The movement for free Cuba continued active, and preparations for a new expedition were begun under the direction of Marisco Lopez, a Cuban revolutionist, in New York, Boston, and especially New Orleans, where enlistments were openly made without any action for their repression being made by our Government. When, however, the audacious conspirators formed a *junta* in Washington, the national capital, "under the nose of the Government," to quote *Brownson's Review,* the Spanish ambassador, Calderon de la Barca, protested vigorously to the State Department; and John M. Clayton, Secretary of State, on January 22, 1850, directed the United States attorneys to take steps against these and all other violations of international obligations. The instructions, however, were so formal in tone that the attorneys did nothing, reporting that no overt acts against Cuba had transpired. The conspirators thereupon became even bolder; several hundred men flocked to New Orleans openly professing that they were enlisted in an expedition against Cuba, and in New York the *Sun* ran up the flag of the Cuban republic. Calderon renewed his protest early in May, and the Government this time took secret measures, sending war vessels to Cuban waters to seize the filibusters. Lopez, however, eluded these, and landed in Cuba on May 19, capturing the Spanish governor. Nevertheless two of his ships were captured, and, realizing the insecurity of his position, he sailed to the United States in his principal vessel, the *Creole,* landing at Key West on the 21st. By order of the Secretary of State he was

arrested on the 24th, but he was at once set at liberty and proceeded to New Orleans.

The Secretary of State thereupon instituted a suit against Lopez and his associates in New Orleans. They nevertheless traveled over the country agitating for a new expedition.

David L. Yulee [Fla.] openly denounced in the Senate the action of the Executive Department:

> "The President has undertaken to involve the country in the danger of a hostile collision without the authority of Congress, and, therefore, in violation of the Constitution. In support of this position I have to refer back to the ground which I took just now, that the moment a revolutionary flag has been raised in the island a civil war is begun, and that by the laws of nations the respective parties in the struggle are to be regarded by all other people as belligerent powers. I say, then, that the order given to our fleet to go upon the coast of Cuba, where this war is raging, to take part in that war by preventing reinforcements and supplies for one party and not the other, is a participation in the war. . . . The sympathies of the Government have of late appeared to lean rather to the side of despotism than to liberal progress."

Matters remained quiescent until April 25, 1851, when President Fillmore issued a proclamation against the filibusters. On August 12 Lopez landed in Cuba and was defeated, captured, and on September 1 executed. Upon news of his defeat a mob in New Orleans destroyed the presses of a Spanish newspaper of the city and several Spanish stores and restaurants, unrestrained by the police.

Senator James M. Mason [Va.], chairman of the committee on foreign relations, saw in the proposal of Great Britain and France conclusive evidence of the jealous fear of these powers that the United States would annex Cuba. While asserting that it was "our policy to let Cuba alone" and "sacredly to regard the rights of Spain," he declared: "We know that in the fulness of time the fruit will ripen and fall from the parent stem. When that time shall come its political coalition with this continent is inevitable. Interference

by other nations may hasten this event, but the combined power of Europe cannot prevent it." He added, however: "As one of the representatives of the States I am free to declare that I know of no peril which should ensue, or which should cause us to hesitate, if Cuba were ready for annexation to-morrow."

Since filibustering had proved unsuccessful the "Young Americans" in the North, independently entirely of the South, began openly to advocate annexation of Cuba to the United States. They professed to be uninfluenced by the bearing of the question on slavery, claiming that they were impelled in their policy by the principle of "manifest destiny" alone—the ultimate extension of our Government throughout the Western Hemisphere.

In 1852 Great Britain and France proposed to the United States a tripartite convention by which "the three powers should severally and collectively disclaim now and for the future all intention to obtain possession of the island of Cuba, and should bind themselves to discountenance all attempts to that effect on the part of every power or individual whatever." Edward Everett, Secretary of State, declined to enter into the convention, and President Fillmore justified the action to Congress in his annual message in December, 1852, by saying that, in his opinion, the convention "would be of doubtful constitutionality, impolitic, and unavailing."

"I have, in common with several of my predecessors, directed the ministers of France and England to be assured that the United States entertain no designs against Cuba; but that, on the contrary, I should regard its incorporation into the Union at the present time as fraught with serious peril.

"Were this island comparatively destitute of inhabitants, or occupied by a kindred race, I should regard it, if voluntarily ceded by Spain, as a most desirable acquisition. But, under existing circumstances, I should look upon its incorporation into our Union as a very hazardous measure. It would bring into the Confederacy a population of a different national stock, speaking a different language, and not likely to harmonize with the other members. It would probably affect, in a prejudicial

manner, the industrial interests of the South; and it might revive those conflicts of opinion between the different sections of the country, which lately shook the Union to its center, and which have been so happily compromised.

In his inaugural address (March 4, 1853) President Pierce referred in unmistakable terms to the desirability of annexing Cuba, saying:

"With an experience thus suggestive and cheering, the policy of my Administration will not be controlled by any timid forebodings of evil from expansion. Indeed, it is not to be disguised that our attitude as a nation and our position on the globe render the acquisition of certain possessions, not within our jurisdiction, eminently important for our protection, if not in the future essential for the preservation of the rights of commerce and the peace of the world."

Pierre Soulé, a naturalized Frenchman of New Orleans, who was strongly in favor of annexing Cuba, was sent as minister to Spain with instructions from Secretary Marcy to intimate to the Spanish Government that, while the United States would not disturb the present connection between Cuba and Spain, interference might take place were there alterations in that connection, such as the institution of changes in slavery at the behest of Great Britain and France. The power to enter into negotiations for the purchase of the island was expressly withheld for the present, because it was thought that the offer would not meet with success.

For some time past the Spanish officials in Havana had been annoying American merchants with unfair treatment of their vessels. These acts culminated on the 28th of February, 1854, when an American ship, the *Black Warrior,* was seized on the pretext, it was claimed, of an incorrect declaration and its cargo of cotton confiscated. On March 15 President Pierce sent a special message to Congress on the subject, stating that he had demanded of the Spanish Government "immediate indemnity for the injury."

"In view," he said, "of the position of the island of Cuba, its proximity to our coast, the relations which it must ever bear

to our commerce and other interests, it is in vain to expect that a series of unfriendly acts, infringing our commercial rights, and the adoption of a policy threatening the honor and security of these States, can long consist with peaceful relations.

"In case the measures taken for an amicable adjustment of our difficulties with Spain should unfortunately fail, I shall not hesitate to use the authorities and means which Congress may grant to insure an observance of our just rights, to obtain redress for injuries received, and to vindicate the honor of our flag. In anticipation of that contingency, which I earnestly hope may not arise, I suggest to Congress the propriety of adopting such provisional measures as the exigency may seem to demand."

In the debate on the message, which ensued in the House of Representatives, Joshua R. Giddings [O.] boldly proclaimed that it was the President and not the Spanish authorities who could be rightfully accused of employing a pretext, his purpose being to make an occasion to annex Cuba. The "other interests" mentioned in the message, the Ohio abolitionist claimed, were the slave interests. "The policy threatening the honor and security of these States" was, he said, "the effort to strike off the shackles of her bondmen," which Cuba was seriously making under Spanish rule.

The Conquest of Cuba

Joshua R. Giddings, M. C.

The President, in the last paragraph, advises a preparation for war. This, then, is the *policy* which we are called upon to guard against, and to involve ourselves in war, to prevent which we are to resort to arms, to the last dreadful resort of battle and deadly strife. In order to prevent the progress of civilization and freedom in Cuba we must prepare to send our countrymen to premature graves. Our freemen are therefore to die that Cuban slaves may continue to sigh and groan in chains.

The President calls for authority to resist these encroachments upon the barbarous institutions of slavery in Cuba. He no longer holds to non-intervention; that only applies to Nebraska; but in Cuba he will interfere to maintain slavery, at the point of the bayonet, at the expense of our blood, our treasure, and our honor. This course of policy is in precise accord-

ance with the views which the Executive organ has put forth for the last year, speaking the sentiments of the President, as I suppose. Cuba had limited the price of slaves, that her scheme of colonization would eventually emancipate all her slaves; and those presses have appealed to the people to prevent this sad progress of civilization, lest it should interfere with the slavery of our Southern States.

Now we are officially called on by the President to arrest this advancing improvement in the moral and physical condition of Cuba, by the most decisive action in the power of the nation. Sir, nearly the whole Southern press is teeming with articles such as published in the Fairfield, South Carolina, *Herald,* of a recent date, which I will read to the House. It is as follows:

"Cuba is overlooked, Nebraska is fought for, and what will be the result of the fight? The future alone can tell. Both of these countries are about being snatched from the South; the loss of the latter would be but a slight restriction to slavery, while the former, in the hands of emancipated blacks, or of foreign powers determined to emancipate, would be a total loss to the commerce of the world, and a death-blow to the extension of slavery."

Sir, this Administration is endeavoring to turn the energies of this nation to the overthrow of this great fundamental principle, which lies at the basis of this republic. It is an effort radically to change its essential elements; to eradicate its life-giving, its vitalizing energies. I feel it my duty to meet and expose this design at its first distinct, unmistakable enunciation. The President now proclaims that *intervention* against *freedom*—against emancipation in Cuba—is to become the watchword of this Executive and his party.

Sir, the time selected for getting up this war is important. We are conscious that France and England are said to have guaranteed to Spain the integrity of her West Indian possessions—that a war on Cuba will be a war on France and England, as well as on Spain. Those two powers are now employed in defending the national independence of Turkey. They now present a great moral spectacle to the world. The cross and the crescent are floating together, intertwining their folds in the same breeze. The Christian and the Turk stand shoulder to shoulder, conflicting with Russian despotism; and, while France and England are thus employed, we are called on to strike them in the back, and secure Cuba to ourselves, thereby aiding the advance of Russian tyranny. That is neither generous nor honorable. I am opposed to becoming an ally to

Russia in that conflict. I am opposed to involving our nation in the wars of Europe. This is a time when we ought to study peace, and, so far as able, take advantage of those commercial benefits which European hostilities will place in our hands; and I shall be astonished if the commercial influence of New York and New England is not turned to the maintenance of peace at such a crisis as the present. Their interests, as well as those of humanity, require it.

Nor will a war for the conquest of Cuba prove any child's play. The combined navies of England and of France will present to us a force not to be despised. They will surround Cuba with a wall of iron and a sheet of flame. They may bring the war into this American Africa, and rear the standard of freedom on our own soil, while our army shall be fighting for slavery in Cuba. Sir, when that contest shall come, if ever it do come, gentlemen from the South may bear in mind that their slaves will feel the emotions of manhood stirring them to action; they will contend for the rights which God has bestowed upon them. And when the storm of war shall rage, and masters shall tremble as they behold their dwellings in flames, we of the North may not "laugh at your calamity, nor mock when your fear cometh"; but we will tender to those slaves their God-given right to liberty, as the terms of peace which we shall then be authorized to grant.

I mention these things that Southern men may understand that we have examined the subject and counted the cost. If they push the present weak and almost irresponsible Executive into a war to maintain Cuban slavery, they should bear in mind that there is a Power above us that may direct that war to the emancipation of slavery in our own States. Nor would such a result prove any unusual interposition of God's providence.

I would call the attention of all concerned to the policy heretofore adopted by the officers of Cuba, under the direction of the Spanish government. I refer to the declared intention to emancipate all their slaves and put arms in their hands, so soon as a hostile army of force shall land upon their soil. The policy of such a course cannot be doubted. It would not only protect the island, but would render the real estate more valuable than both land and slaves now are. Those emancipated slaves, when contending for their homes and families, their lives and liberties, would constitute a force both savage and powerful.

Thus, sir, I can easily imagine that this war which the President invokes may prove the overthrow of slavery in Cuba

as well as in our own land. Such results would best accord with the feelings, the desires of the free States, and of the whole Christian world, as well as with the spirit of the age in which we live. I may find myself in error, but I feel deeply conscious that, if such a war should result from these efforts of the slave power, that institution will be consumed by the flame which itself will have kindled. So confident am I on this point that, were I to disregard the suffering and misery with which such a war must be attended, I would not interpose an objection to the course which the President has marked out in the message before us.

Why, sir, it is but a few years since we were plunged into a war with Mexico, for the openly avowed object of extending slavery. More than $200,000,000 were expended, and more than eighty thousand human victims sacrificed, with the expectation that slavery would be rendered more potent. And now behold, we have a *free* State on the Pacific. Civilization has been promoted, free institutions extended, and there is very little probability that the bounds of slavery will in any degree be enlarged by that vast expenditure of blood and treasure. Our Western Ophir is pouring its golden streams into the free States, while the inhabitants of the slave States are able to participate but sparingly in its advantages. Similar results, I trust, will follow any disturbance of the peaceful relations between us and Spain.

The President's message was referred in the House to the Committee on Foreign Affairs, two members of which, Thomas L. Clingman [N. C.] and Judge John Perkins [La.], were in favor of appropriating $10,000,000 and employing the army and navy and 50,000 volunteers to annex Cuba forcibly, Clingman declaring that war was desirable as the only means to prevent the dissolution of the Union or a civil war for its maintenance. However, the President got wind of their intention, and he and William L. Marcy, Secretary of State, and Jefferson Davis, Secretary of War, persuaded the two Representatives to abandon their wild proposition before it became public.

The charge made by Giddings that the Administration was opposed to emancipation in Cuba was publicly justified on April 3, 1854, when new instructions were given to Minister Soulé empowering him to enter into

negotiations for the purchase of Cuban independence, the reason stated for this being the introduction of a new system of apprentice negro labor. This apprentice system, it was claimed by the Administration, would lead to the "Africanization" of the island, and so menace the slave system of our Southern States.

This reason was also assigned by John Slidell [La.] for a motion which he made in the Senate on May 1 to charge the Committee on Foreign Affairs to consider the suspension of the neutrality laws during the period when Congress was not in session, the intention being, as Senator Slidell frankly stated, to cause Spain either to abandon the apprentice system or to incur the liability of war with the United States.

The Administration was driven at this time to throw out some inducements to the South to support its Nebraska policy, the Southern Senators and Representatives having become lukewarm in regard to it, seeing that, contrary to the assurances of Senator Douglas, the father of the Nebraska bill, the North was arrayed almost solidly against it.

Accordingly President Pierce and his advisers determined to join Cuban annexation to the Nebraska policy. Territorial expansion had given distinction to previous Administrations, so why not to this? The North might be somewhat diverted from its intense opposition to the domestic question of the repeal of the Missouri Compromise by the patriotic prospect of extending the national domain, and the South certainly ought to rally vigorously to the support of the repeal when the hope was held out to it of a reward for such assistance in the form of an acquisition of territory where, unlike Kansas-Nebraska, slavery already existed and was greatly profitable.

On May 16, 1854, the organ of the Administration at Washington, the *Union,* printed the following inspired editorial:

"If the principles of this bill ended with Nebraska and Kansas; if they did not mean to apply to all future acquisitions; if they did not rally men of all sections of the Union,

and prepare Northern sentiment for those great events with which the future teems; we might more fully understand the hesitancy and doubt of some of our Southern friends, if such doubt and hesitancy really exist. When Cuba is admitted into the Union—as in the course of thick coming events she is bound to be admitted—and when the South turns to the great constitutional party of the North, already committed to that great act for aid and for counsel, let us not be compelled to find the seats in Congress, now occupied by staunch friends of the rights of the States, filled by Abolitionsts and Northern Whigs elected to the national legislature by the refusal of the South in the present issue to recognize a great principle upon which, in all time, the friends of the Union might stand and defy the worst combinations of Northern fanaticism."

The suggestion of the *Union* was heartily adopted by many Southern papers. The Richmond *Enquirer* said:

"Now that Congress is delivered of the Nebraska bill, the country will expect prompt action in regard to our difficulties with Spain. . . . The only possible way in which the South can indemnify itself for its concessions to the anti-slavery fanaticism is by the acquisition of slave territory . . . and this can be done only by the annexation of Cuba. . . . The intrigues of Great Britain for the abolition of slavery in that island are pursued with a zeal and energy that cannot fail of success unless the United States interfere to prevent the consummation. . . . With Cuba in the possession of a hostile interest Southern slavery would be exposed to an assault which it could neither resist nor endure. With Cuba as a member of a great Southern confederacy slavery might bid defiance to its enemies."

The suggestion that Great Britain was casting covetous glances upon the "Pearl of the Antilles" was used by the Administration to arouse the patriotic spirit of the entire country, North as well as South, and secure its support. At the same time the old and serviceable bugaboo of the "horrors of San Domingo" was held up before the eyes of the South, always apprehensive of danger to its peculiar institution.

On the same day that the editorial appeared in the

Washington *Union*, Stephen R. Mallory [Fla.] introduced in the Senate a resolution declaring that recent acts of the Spanish authorities in Cuba were

"calculated to excite the just apprehension of the Government of the United States of a settled design to throw Cuba ultimately into the hands of its negro population, and to revive there, within a few hours' sail of our shores, the scenes of San Domingo's revolution, a result which the United States will deem alike inconsistent with their progress, their prosperity, and the civilization of the age."

On May 24 Judah P. Benjamin [La.] presented to the Senate resolutions of the legislature of his State concerning this "Africanization" of Cuba, which declared that "the time has arrived when the Federal Government should adopt most decisive and energetic measures to thwart and defeat a policy conceived in hatred to this republic and calculated to retard its progress and prosperity." The resolutions were opposed by John M. Clayton [Del.] and William H. Seward [N. Y.].

The Africanization of Cuba

Senate, May 24, 1854

Senator Clayton.—Do I understand the honorable Senator to say that he will be prepared, on some future occasion, to show us that the Spanish government has a deliberate design to emancipate the slaves in Cuba, for the purpose of preventing us from either purchasing or taking the island by violence?

Senator Benjamin.—I do not pretend to say that I shall be able to make a mathematical demonstration of a proposition of that kind; but I think I shall be able to adduce such facts and such evidence as will satisfy every unprejudiced mind, so far as it can be satisfied on a political subject of this kind, that such is the intention of that government.

Senator Clayton.—That it is their intention to emancipate those slaves now, at this time?

Senator Benjamin.—At the earliest possible moment, and now that the measures which have been taken are aimed at that very object, or, in other words, that the design is now in process of execution.

SENATOR CLAYTON.—I must express my perfect conviction that the honorable Senator will never be able to make out the facts he has stated. I have no belief in them whatever; and the more I look into the matter, the more I inquire in regard to it, the more perfectly am I satisfied that it is not true that the Spanish government intends to destroy this island, except in this contingency: They will act precisely as you, sir, would act, or any other man might act, without being censured so much, who should find that a piratical vessel was about to seize his ship and crew. You might blow up your powder magazine in such a case as that, without incurring the censure of the world. That is all, in my opinion, which the Spanish government contemplates. If they find that, from any quarter of this Union, there is a piratical expedition set on foot, with a view to take the island from them, and that there is a certainty that the island will be taken from their possession and custody by that means, they will blow up their powder magazine.

The Spanish government has given us notice of that for many years back. They have declared over and over again, more than ten years ago, to the various gentlemen who occupied stations at the head of the State Department, that if such a thing as that should be done they would ruin the island, rather than permit us to take it in that manner. But I deny, from the evidence before me, that the honorable Senator can produce any proof whatever to show that the Spanish government, in the present condition of affairs, intends to emancipate the slaves in Cuba, or, to use the honorable Senator's own language, that such a scheme as that is in process of execution.

SENATOR BENJAMIN.—Those who are aware of the system by which the island of Cuba is now governed can, by no possibility, entertain a doubt of the scheme which has been deliberately formed, and which, I repeat, is now in process of execution upon the island.

According to a recent proclamation, every slave in the possession of an individual who cannot show a registered title to him, is to be made free now upon the spot. If I am not misinformed, nearly one-fourth of those who are really slaves upon the island will be made free under the operation of this proclamation. There, sir, is the very first step toward what the legislature of Louisiana has termed the Africanization of the island of Cuba. This is the last piece of information that has come to us from that island.

My colleague [Senator Slidell], in a statement which he made a short time ago, that attracted so much attention in the

country, demonstrated to the Senate that the intention of the British government—and it has been fully shown in its correspondence and negotiations with the Spanish government—is to induce the latter government to consider the blacks and whites upon the island as one common population, to be taken care of and protected by one common set of regulations applicable to both classes of the population.

I shall not go further into this subject now, sir; but I refer to these facts for the purpose of showing that this is not an idle apprehension, that it is not one without foundation; and when the discussion comes up I think we shall be able to show the Senator such facts and such proofs as will shake even his well-formed conviction to the contrary.

SENATOR CLAYTON.—The negroes brought from Africa are detected by the very means to which my honorable friend has alluded—by the registries of the true slaves, the real native-born slaves, on every estate. The police officers visit the estate, and, by calling the roll, and examining the negroes, detect whether there are any recent importations. If so, they declare them free, and they are bound to declare them free under the treaties which Spain has made with foreign governments. Then they apprentice these slaves for one year, merely for the purpose of enabling these miserable, utterly ignorant creatures to live.

But, sir, my honorable friend, in the indulgence of his imagination, tells us that he thinks these negroes will be enlisted, and form a black corps of soldiers for the purpose of preventing any attack made on the island, or any insurrection in the island. They are wild negroes from Africa who have not been in the country a year. Would they not make a splendid regiment! I should like to know how you or anybody else would proceed to drill them and make them stand up in a fight.

SENATOR SEWARD.—Why should Spain, with $1,000,000 income from Cuba, desire to renounce it? Why should she bury in the ocean her colony in America, the last relic of the new world given to her by Columbus? Her exigencies are as great now as in former times. Then, it is supposed that the British government is concerned in this movement. Sir, I entertain no doubt that it may be safely said that if Great Britain occupies any position in regard to this question now, it is a position which inclines her to prevent the extremities which are dreaded by the honorable Senators from Louisiana. Engaged in a war[1] which is almost certain to become a Continental war in

[1] The Crimean.

Europe, Great Britain is now under bonds to keep the peace with our Government on this question. I see no reason, therefore, to impair the confidence of the commercial part of the community, and spread over them the dread of evils which may never come.

In the meantime a filibustering expedition against Cuba had been organized under the leadership of Gen. John A. Quitman, who had in 1851, while Governor of Mississippi, openly advocated the establishment of a Southern Confederacy.

On the 31st of May the President, at the instigation of Secretary Marcy, issued a proclamation against this expedition, in which he stated that "it is the duty of the constituted authority of the United States to hold and maintain the control of the great question of peace or war, and not to suffer the same to be lawlessly complicated under any pretence whatever." Quitman was arrested on the 31st day of July and released upon bail that he would observe the neutrality laws of the United States. That his action, however, in organizing the expedition was approved by the party in power is indicated by the fact that he was elected to the next Congress and put at the head of the very committee, that on military affairs, where he would be able to make his plans for the forcible annexation of Cuba most effective.

The Ostend Manifesto

Congress adjourned August 7, 1854. On the 16th Secretary Marcy instructed James Buchanan, John Y. Mason, August Belmont, and Pierre Soulé, the ministers respectively to Great Britain, France, The Hague, and Spain, to meet in order to arrange a plan for the purchase of Cuba. They did so on October 15, at Ostend, and three days later at Aix-la-Chapelle, where, on October 18, they issued what is called the "Ostend Manifesto."

In this document they stated the advantages to the United States and Spain in the purchase of the island,

and declared that failure of the project would be due to the jealous interference of other powers. The interest of the United States was said to be that of self-preservation, the elimination of a constant menace to its peace, and the interest of Spain was indicated by the intimation that, if it did not sell Cuba now, the United States, at the next insurrection in the island, would intervene in behalf of the Cuban patriots and wrest it from Spanish possession.

Secretary Marcy refused to endorse the Manifesto. On the 13th of November he wrote to Soulé stating that the threat to Spain was insincere, since the United States was not at the time menaced by the condition of Cuba. Thereupon Soulé tendered his resignation, which was accepted.

President Pierce in his annual message to Congress on December 4, 1854, ignoring the project of purchasing Cuba, simply stated that the relations with Spain were in the state in which they had been at the last session, and expressed the expectation that a new ministry which had been formed in that country would give a more favorable reception than had previously been accorded to our statement of grievances.

On the same day Augustus R. Sollers [Md.] moved in the House of Representatives that the President give information concerning the Ostend conference. The motion came up for discussion on the following day, when Thomas H. Bayly [Va.], chairman of the Committee on Foreign Affairs, asked that the resolution be referred to the committee. In the debate which ensued the main issue of the unprecedented nature of the conference was sidetracked for the irrelevant although timely one (owing to the Know-Nothing agitation) of sending foreign-born ministers to foreign courts.[1]

The resolution was referred to the Committee on Foreign Affairs, which failed to report it, or indeed any measure on Cuba. Thus from time to time the matter slumbered, although the Cuban question was discussed.

In his annual message December 6, 1858, President Buchanan informed Congress that new negotiations had

[1] August Belmont was a native of Germany and Pierre Soulé of France.

been opened with Spain for the purchase of Cuba with every prospect of success and that it was therefore necessary for the national legislature to appropriate a sum sufficient to make a payment on account to the Spanish Government upon the signing of the treaty and before its ratification by the United States Senate. On January 10, 1859, John Slidell [La.] introduced a bill in the Senate appropriating $30,000,000 for this purpose, and it was referred to the Committee on Foreign Affairs. On January 15 a caucus of the Democratic Senators declared in favor of supporting the purchase.

The Senate on January 18 requested the President to lay before it the correspondence between the two Governments in regard to the treaty. The President, in a special message on January 21, answered briefly that no such correspondence existed and that the Senate must trust to his discretion in the matter.

On January 24 the Committee on Foreign Affairs, through Senator Slidell, recommended the adoption of his bill. In his report the Senator declared that "the ultimate acquisition of Cuba may be considered a fixed purpose of the United States."

William H. Seward [N. Y.], in behalf of himself and Solomon Foot [Vt.], members of the committee, presented a minority report to the effect that the question should be postponed to the next session of Congress, when the President should report the condition of the treasury and of the army and navy, in order that Congress might be enabled to judge whether "it will be necessary to adopt any extraordinary measures to maintain the rights and promote the interests of the United States connected with their relations to Spain." It also authorized the President to convene Congress in extra session if the negotiations with Spain warranted this.

A debate followed the presentation of the minority report, in which Senators Seward and John P. Hale [N. H.] supported the report, and James A. Bayard, Jr. [Del.] and Robert Toombs [Ga.] opposed it, in behalf of the majority report.

Political Necessity of Acquiring Cuba

Senate, January 24, 1859

Senator Seward.—Mr. President the bills which engage the attention of Congress generally originate either in the Senate or in the House of Representatives. But this measure is ushered into our presence by a message from the executive palace. It is, therefore, in its origin an executive measure. Its nature corresponds to its parentage. It proposes to relax constitutional and legislative restraints upon the executive power, and to transfer control over the treasury, together with the power of negotiation in foreign affairs, from Congress and from the Senate to the President of the United States. It is not an isolated executive measure of this kind, but it is one of a series of such measures which the President of the United States has introduced at the present session in the same way. One of this series proposes that Congress shall authorize the President to move the army and the navy of the United States into adjacent states of the republic of Mexico and establish a protectorate there. Another asks our consent to invest the President of the United States with the power to make war in his own discretion and at his own pleasure against all, or nearly all, the Spanish-American states on this continent.

A measure thus disparaging to the intelligence, the virtue, and the independence of the national legislature, a measure so dangerous to the civil and religious liberties of the American people, it must be expected, will receive at the hands of Congress a careful scrutiny. It is not my purpose at this time to bestow that scrutiny, in its full extent, upon the bill which has been reported in accordance with the recommendation of the President of the United States; but I do intend to indicate some of the considerations which have brought me to the conviction that this bill, under no circumstances, ought to receive the favor of Congress.

The bill has a financial aspect. It has also a broad political character. In regard to the financial aspect, I call the attention of the Senate to the fact that the bill proposes to appropriate now, at this time, out of the treasury of the United States, $30,000,000, to be placed under the control of the President of the United States, to be paid by him to Spain, whenever she shall have consented to accept any treaty which he may make with her, for the cession of Cuba to the United States, without waiting for a ratification of that treaty by the Senate of the United States. This appropriation of $30,000,000 necesarily

involves now a pledge, a guaranty, virtually a grant, or appropriation, of so many more millions of dollars as the President of the United States, without any recourse to the Senate or to Congress, and consulting only his own mere ambition, caprice, or pleasure, shall agree to give for that island; and this last amount is altogether unlimited.

The bill contains no limitations, and the President recommends no limitation. It is a bill, then, for just so many millions as the President shall choose to write in the treaty. What will be the number of those millions? The report of the majority of the committee says that it will probably be $125,000,000. This calculation is based upon the fact that Spain refused $100,000,000 ten years ago, and that Cuba has increased in value $25,000,000, according to the estimate of the majority of the committee. This estimate is inconclusive, and, therefore, unsatisfactory. The amount which Spain will ask, if we suppose her to accede to this treaty, will be all that she can get, and the amount which the President will give, if it be his purpose to acquire the island of Cuba at all events and under all hazards, will be the least that Spain will consent to take.

This great increase of the public debt we are asked to make at the very hour when, in compliance with the Executive recommendation, we are proposing to authorize him to build the Pacific railroad at a cost of not less than $125,000,000 more; and, simultaneously with this, in the same message, we are also asked to authorize the President to move the army into Mexico, which can cost nothing less than $100,000,000 more; and, at the same time, in pursuance of recommendations of the same weight and authority, we are asked to authorize him to employ the army and the navy against just so many Spanish-American states on this continent as he shall choose, which can require nothing less than $100,000,000 more; so, without any financial system at all, we are to have a great debt created by this Congress of the United States, on the recommendation and application of the President to strengthen the arm of the Executive, while weakening the power and the constitutional force of the Senate and the House of Representatives, a debt of $500,000,000.

I have said that the bill has also a political aspect. It proposes to bring into the United States a foreign country, seven hundred miles long and seventy miles wide, containing one million five hundred thousand human beings—a population different entirely from the citizens of the United States; different in language, different in race, different in habits, different in

manners, different in customs, and radically different in religion; a population that will, practically, forever hold the power to exclude all American immigration, at least to exclude it as effectually as the old states of Europe excluded our migration there, and as effectually as our old-established States practically exclude immigration from outside of their borders. This population, then, is to be the ruling population of that island. What rights will citizens of the United States enjoy there? The one million five hundred thousand souls are divided: one-half whites, two hundred and fifty thousand free blacks, and four hundred thousand slaves. What institutions of justice, of freedom, of religion, and public worship will obtain or remain there.

I have already shown that the consent of the Senate to the passage of this bill will operate as a constraint upon the Senate to ratify whatever treaty the President shall make hereafter. If this be true (and no one, I think, can controvert it), then I am asked to resign a constitutional, senatorial power, to the President of the United States and to shift from my own shoulders to his a constitutional responsibility.

To do this is a derogation of the independence of the constitutional power of the Senate of the United States, and a practical subversion of the constitutional check which requires that every treaty shall receive the votes of two-thirds of this body, or be absolutely void. It practically delegates to a bare majority of the Senate and to a majority of the House of Representatives the treaty-making power of this great empire.

Sir, if there ever was an occasion on which I should adhere tenaciously to this right and insist upon retaining this power, it would be in such a case as this. I want to see the treaty which shall bring the island of Cuba into the United States. I want to know the *status* which that country is to occupy. Is it to be a territory of subjects, of political slaves? a province, governed by armies and navies, as Spain now governs it? I may ask the President of the United States when he has executed the treaty. Is it to be a State? I may ask the President of the United States when he has executed the treaty. Who are to be the electors of the State? What is to be the *status* of the whole population? Are they to enjoy universal suffrage? What is to be the *status* of the free-negro population? What is to be the *status* of the slave population? We, who have disputed so earnestly, often so vehemently, year after year, year in and year out, over the question whether the institution of slavery shall be introduced into the Territory of Kansas, are expected by the President, in his simplicity, to allow him to determine for the North and

for the South, for the free States and for the slave States, at his own absolute pleasure, the terms and conditions upon which Cuba shall be annexed to the United States and incorporated into the Union. I say nothing of the present incumbent of the executive office. I say that men never chose, nor did God ever send on earth, a magistrate to whom I would confide this great question, having a constitutional right to decide it myself.

I need not say, sir, that all our treaties of annexation contain stipulations guaranteeing rights to the countries annexed, to be incorporated into the Union, and determining the future political rights, power, and authority of the inhabitants of those countries. This bill, then, is in derogation of the power of the Senate to determine by treaty for itself what the safety, honor, and welfare of the country demand in regard to the political organization and government of the island of Cuba, if it shall be acquired.

Sir, I have always received as a political maxim the declarations made by our predecessors in regard to the acquisition of Cuba. Every rock and every grain of sand in that island were drifted and washed out from American soil by the floods of the Mississippi, and the other estuaries of the Gulf of Mexico. The island has seemed to me, just as our predecessors have said, to gravitate back again to the parent continent from which it sprang. I have supposed that political necessities would determine that ultimate conclusion; and I know that to political necessities all actions of governments must bend, and all sentiments of nations must accommodate themselves. I have nevertheless, been taught, with the same maxim, this other rule, that the acquisition of Cuba is a question of time, of necessity, and of opportunity. Our forefathers said, all our predecessors have said, that when the juncture shall arise that there should be just that necessary decline of the political European power on the continent, and just that development of American power here, which makes Spain unable to keep and ourselves able freely to obtain, the island, then it would be hopeless and idle to refuse to receive Cuba, even if it were undesirable. They have said more, and I subscribe to it, that we may safely hold our souls in patience so long as Spain can keep it, and no other and stronger European power can, or dare, take it from her. What I have to say now is, that the time and opportunity do not now serve, in my judgment, any more than they served for the last sixty years. We may be nearer, as, indeed, I doubt not we are, to the acquisition of Cuba; but we have not arrived at the point at which the acquisition must necessarily be made, or can be made,

consistently with the conditions of peace, prudence, justice, and the national honor.

But there are circumstances about this bill which satisfy my mind that it is not expected, that it is not intended, that Cuba shall be acquired in consequence of this proceeding; but that some other advantage, some domestic and local benefit, will be secured to the President of the United States by provoking a debate on this subject in Congress. Sir, I do not so much undervalue the intelligence of the American people as to apprehend any such result. The proposition seems to be an empty one, an idle one, a ludicrous one; and, if it were not for violating the respect due to the President of the United States and the majority of the committee who sanction it, I should say a ridiculous one. There is a play which we have sometimes seen at the theater, in which the heroine is an honest housewife who has a propensity for buying things at auction. One day she bought a huge door-plate sold at an auction of a neighbor's furniture, on which was inscribed in large letters the name of "Thompson," spelled with a "p," although her own name, as well as her husband's, was Toodle. When the indignant Mr. Toodle called her to account for the expense, "why," she said, "how do you know, my dear, that we shall not one day have a child, and that that child may not be a daughter, and that that daughter may not be married to somebody, and, just as likely as not, that somebody will be a man named 'Thompson,' and his name may be spelled with a 'p' [laughter], so it will then just fit exactly. I could not help buying it, because it was so cheap, and it will be so handy, you know, to have it in the house." That, sir, is exactly the value of this great presidential demonstration, made, I think, to retrieve the sinking and wasting fortunes of an administration that has disappointed its own immoderate desires not more than the less sanguine expectations of the American people.

Senator Bayard.—Mr. President, there may be many things which the honorable Senator from New York may consider unattainable, wild, or extravagant that may yet be perfectly practicable; and so, too, it may be that there may be many objects which the honorable Senator may consider attainable, and which yet may turn out not to be within his reach. The question is as to the propriety of passing a bill, in accordance with the recommendation of the Executive, which is founded upon the probability, under that recommendation, of the acquisition of Cuba by the United States. Believing, myself, that the future interests, not only of this country, but of civilization and of

human progress, are deeply involved in the acquisition of Cuba by the United States, even the chance of an advancement toward that acquisition I should be willing to encourage when it came from any source entitled to decent respect. Now, sir, it may be that this bill, when it passes, will not enable us to acquire Cuba; but, in the judgment of the Executive, such a recommendation has been made. I can see no injury to the country if we pass the bill and fail to attain the object; but it is an object of importance to the country, and the ultimate benefit of it will fully sanction us, in my judgment, in the passage of the bill.

Senator Toombs.—Mr. President, the speech of the honorable Senator from New York is remarkable, certainly, for two things: The first is personal to himself; and I am very happy to congratulate him and the country that at last he has concluded that economy is an element in national policy, which, heretofore, he seems generally to have ignored. The next important and remarkable feature in the speech of the Senator is, that he comes to no conclusion upon the main question. He throws out a number of objections to the proposed mode of action; but he declines, or he fails to express, any opinion upon the merits of this great question of national policy now about to be inaugurated.

The Senator intimates, in the first place, that if it is not a violation of the Constitution, it is surrendering the constitutional rights of this body. In what respect? The question of the right of the Government of the United States to acquire territory by purchase, or by war, or in any other mode it may see proper, according to the law of nations is, I presume, no longer open to observation. It has been settled by the concurrent judgment of all parties, and by a construction of the Constitution now no longer open to dispute. Then, if the right to acquire a country by purchase is a conceded point in our public policy, it is not in derogation of any of the rights of the Senate of the United States that we should appropriate this money. We propose to appropriate money by law, as we have done frequently before. I know there is a constitutional inhibition against the President, or anybody else, using money, unless it be appropriated by law; but, inasmuch as this is a constitutional object, we propose to do that very thing. Conceding that the policy of acquiring Cuba by purchase is a wise policy, the question is submitted to the Congress of the United States, both the Senate and House of Representatives, whether, if it be a wise and proper object, deserving of appropriations of the public

money, we shall enable the President of the United States to inaugurate it by this appropriation.

As to our revenue system, I consider it equal to the wants of the country. The question is not with this republic now, where are we to get money from? but our financial system for the last fifteen or twenty years has been an effort how not to raise it. Even when you have drawn tariff bills with the express view of putting down surpluses, of reducing the revenue, of getting less of it than an ordinary system would bring, you have failed in the effort. Most of the nations of the world have been driven to extraordinary shifts, certainly in war and often in peace, to know how to raise the wind—in what manner to raise money enough to carry on their governments. The man who could invent a new tax, even in England, has been awarded great financial talent.

But in this country the whole ingenuity and talent of all sides, especially of gentlemen holding the political opinions of that Senator, have been devoted to the problem how not to raise money enough. Such is the wealth of the country, such are its vast productions, that the question is not one of raising enough for the economical wants of the Government, or even for the extravagant wants of the Government; but the question with that Senator and his friends is how to raise revenue so as to benefit particular branches of industry at the expense of other branches of industry. We should have no trouble at all about raising revenue, if that was the object; we should have no difficulty about knowing what rate of taxation would produce a sufficient amount for us, or would bring in a greater amount or a lesser amount than was necessary; but we have complicated it by schemes to lay taxation in such a way as to benefit particular interests, so that persons come to Congress and seek by legislation to obtain benefits in their own private pursuits. That is the difficulty we have.

The Senator seems to object to this acquisition with reference to its political aspects. I do not see that they are changed at all by this measure. Admit that there is force in the idea of the Senator from New York that he wants to know the *status* of the seven hundred and fifty thousand white people, the two hundred and fifty thousand free negroes, and the four hundred thousand slaves in Cuba, he will still have that question before him when the treaty shall be made and come up here for ratification. This bill does not propose to affect it at all. It will stand then where it would stand if you made the treaty without the bill. When we acquire the island of Cuba, the annexation

of which I look upon as important to the country, I am content that my own countrymen shall settle the *status* of all the people there according to the Constitution of the United States.

But I will remark to the honorable Senator that I consider that question as already settled; I have no difficulties upon it. I consider that it has been settled by the American people; a settlement with which I am content; which I do not believe he will be able to shake; which I believe will stand unshaken when he and I shall have passed away from the stage; that will outlive him and outlive the country itself. It is that, while the territory stands as a dependency of this republic, it shall be open to settlement by all the people of the republic, North and South, East and West, with ample constitutional protection to all property held in any of the States; and when it takes its position among the free and independent States of this Union, it will then settle for itself what shall be the *status* of all colors and of all races within its borders. That is the principle on which I think this question has already been settled by the verdict of the American people, and I am content to stand on that principle; and hence I feel no difficulty about the acquisition.

Now, sir, is this acquisition desirable? Is it a matter on which we ought to risk so much money as $30,000,000 for the chance of opening more favorable negotiations? I think it is. I know of no portion of the earth that is now so important to the United States of America as the island of Cuba is. We speak of the trade of India; and some of the friends of a Pacific railroad tell us that, when that railroad shall be constructed, it will bring the trade of Asia to our continent, and that we shall get at least the profits of the transportation of the wealth of the Indies. Sir, this wealth is at our feet; but they know it not.

If you could fill up the ocean, and lay a perfectly level railroad to-day from San Francisco to Shanghai, it would be no benefit, because you can now bring products from Shanghai to New York for ten dollars a ton when freights are low, and for twenty dollars a ton at the customary freights. As the Senator from Massachusetts [Henry Wilson] fully and satisfactorily demonstrated the other day, it would be impossible to carry freight over a railroad to the Pacific. I say then, that such a road cannot advance us in obtaining the control of the trade in those products; but we have all the wealth which ever came from the East Indies to-day in the West Indies, and the only question of foreign policy which is worthy of the consideration of American statesmen is the tropical empire lying

at our feet, and it ought to be declared to be our settled policy —not by force, not by violence, not by depriving the rightful possessors of their present possessions—to be the American policy to unite, as fast as it can be fairly and honestly done, all the tropics under our flag.

We have now the command of one of the great elements of human commerce—cotton. We have now the command of the bread of the world. We have their bread and their clothing. Give us Cuba, give us the West Indies, and we shall command all the other wants of the human race; we shall control their commerce in everything; we shall control their tonnage, and it will be of more value even to the Northern people than to the South. It will bring a competitor in tropical fruits and sugar to a portion of the Southern States. Cuba is exactly in the condition the most favorable possible to break off all commercial restrictions for the benefit of New England and the entire North. She does not grow beef except to a very small extent, and pork not at all; she has no manufactures; she has no iron. She raises everything that the North wants, and she would be the best customer in the world for every article of their industry. There is no production in New England that cannot find a market in Cuba. There is just the point for an exchange of commodities from which the most beneficial commerce the world ever saw will result. Therefore, I say, the manufacturing States, the grain-growing States, have the greatest interest in this acquisition. They can get there sugar and coffee and West Indian fruits, which they can sell to all the world, and increase their exports. They can exchange products with Cuba without duty, with entire internal free trade, and there will be built up a home market for their manufactures, such a market as can be found in no other habitable part of the globe. Here is a natural exchange of products, arising from locality and climate and soil. It will be nature's commerce; beneficent, prosperous, beneficial to all engaged in it. It does not need laws; it does not need restrictions; it requires no ingenuity to show that that commerce will be a beneficial one to all concerned in it, especially to the Northern and Middle States; it will not benefit the South to the same extent.

Some may think that we go for it because by this means we shall have one more slave State in the Union. I know that the Senator from New York at the last session alluded to the comparative number of slaveholding and non-slaveholding States; but I never considered that my rights lay there; I never considered that I held my rights of property by the votes of Sena-

tors. It is too feeble a tenure. If I did, I have shown by my votes that I have not feared them. Whenever any State, Minnesota or Oregon, or any other came, no matter where from, if she came on principles which were sufficient in my judgment to justify her admission into this great family of nations, I have never refused her the right hand of fellowship. I did not inquire whether you had seventeen or eighteen free States. If you had fifty it would not alter my vote. The idea of getting one slave State would have no effect on me. But Cuba has fine ports, and with her acquisition, we can make first the Gulf of Mexico, and then the Caribbean sea, a *mare clausum*. Probably younger men than you or I will live to see the day when no flag shall float there except by permission of the United States of America. That is my policy. I rose more with a view to declare my policy for the future, that development, that progress throughout the tropics was the true, fixed, unalterable policy of the nation, no matter what may be the consequences with reference to European powers.

SENATOR HALE.—Mr. President, I hope to be relieved from the censure which the honorable Senator from Georgia has made on the Senator from New York, and that is that he has not expressed plainly his views on the main proposition. I am opposed to it utterly, totally, and entirely. I remember, sir, for it is some years since this matter of acquisition has been talked of in this country, that it was first inaugurated under the genius of what was called "manifest destiny"; but I see that manifest destiny has been ridden to death; we have got rid of it, and now succeeds to "manifest destiny," "political necessity." I want to examine that a little. I do not know but what it is necessary that this should come under the auspices of "political necessity"; because I believe the doctors who taught in the school of "manifest destiny" only contend that manifest destiny extended over the whole continent, and now we are to leave the continent and go to sea; we must have a new era and we are to take "political necessity"; and I suppose that is the reason of the change. I am opposed to them both for this reason. Although it was the mission of "manifest destiny" to take in the whole continent, he never seemed to remember that there was a north side of it. He was always traveling South. [Laughter.] So wanting in fidelity to his mission was "manifest destiny," that was to overrun this whole continent, so engrossed was he in looking South, that while his mission has been proclaimed, and he was attending to Southern interests, the Administration actually gave way—with a mere dash of

the pen—that magnificent empire from the Rocky Mountains to the Pacific ocean, and from 49° to 54° 40′ north latitude.

Whenever we have had to deal with "manifest destiny" or "political necessity" in any treaty relating to our Northern boundary, it has been to cut off; and, if we could not sell out, we gave away, while we have been continually traveling south for acquisitions. This may be all accidental; probably it is; but, if you ever read Pickwick, sir, you remember that, as Sam Weller says, it was a most astonishing coincidence. [Laughter.]

Now, sir, I dissent from that whole policy which says it is American policy to be continually annexing foreign nations to us. I am for improving what we have got; I am for developing our own resources; and I am for applying the means that we have to the improvement of what we have got. I should like to know where the constitutional power comes from. It is said there is no power to build a railroad to the Pacific ocean unless it be a war measure. I am utterly opposed to that whole doctrine, that we have no power to make a railroad from here to the Pacific ocean unless it can be demonstrated that it is absolutely necessary and indispensable as one of the means of carrying on war. Sir, the Government of the United States have power to make peace as well as to make war; and if, as the proclamations of war usually say, the purpose of entering into a war is to procure an honorable peace, the country ought to have some energy to do something to foster and nourish and develop its interests in peace as well as in war. But, sir, this modern doctrine that you can expend anything and everything for war measures, and nothing for peace, I utterly dissent from. Here you may spend $150,000,000, if it is necessary, for purposes of war; but if you are asked for fifty cents for any of the great purposes of peace, of commerce, of the arts, this gigantic Government is seized with paralysis, and cannot move a finger for any of the purposes of peace, or any of its arts, or any of its interests; but it is omnipotent for all the purposes of war.

William M. Gwin (Cal.)—As the gentleman is on the subject of the Pacific railroad, I wish he would give way and let us take up that bill and go on with it. [Laughter.] It is a better subject than this, a great deal. [Laughter.]

Senator Hale.—I can only say to my friend from California, as the Archbishop said to Gil Blas, I wish you all manner of prosperity, and more taste than to interrupt me again [laughter]; but I will give way.

By the obstructive tactics of the Republican Senators the bill was not brought forward for a vote until late in the session. On February 21 Senator Slidell succeeded in getting the measure squarely before the Senate. On that very day newspapers reached Washington with the report that Spain had rejected with scorn the proposition of the United States to purchase Cuba, and "was disposed to demand due satisfaction for such an insult." William H. Seward read this report in the Senate, but Slidell still pushed the measure. Anthony Kennedy [Md.] then declared (on February 25) that the purpose of the promoters of the bill must be to excite Spain to war, in which Cuba would be the booty of the United States. This purpose was frankly admitted on the same date by Stephen R. Mallory [Fla.] and Albert G. Brown [Miss.]. Senator Mallory said that if Spain continued stubborn it "should be given openly to understand that the United States would do as Frederick the Great had done with Silesia—that is, first take Cuba and then talk about it." Senator Brown said:

> I am for the acquisition of Cuba, and I want to advertise to all the world that we mean to have it—peaceably if we can, forcibly if we must. I am willing to pay for it, or I am willing to fight for it. I would advertise to the world that we mean to have it; and I look upon this bill as nothing more than a mere advertisement that the United States desire Cuba, and mean to have it.

The Republican Senators having used every parliamentary device to prevent a vote on the bill, which had now become the pet measure of the Administration, Robert Toombs [Ga.] called them cowards, mentioning William H. Seward [N. Y.] in particular. To this charge Senator Seward replied on February 25, casting back the charge upon his opponents and denouncing the President as the most arrant and despicable poltroon of them all.

The session of February 25 was prolonged into the following day. It was moved to table the bill, and the motion was lost by 30 nays to 18 yeas. Encouraged by this vote, Senator Slidell announced that the bill would

be pushed to a finish, and moved to adjourn; his motion was carried. On the following day, after conference with the leaders of his party, he reconsidered his determination and, saying that the vote to table had shown that the sentiment of the Senate was in favor of the "principle of the bill," he announced that, out of consideration for the other appropriation bills which were being held up by the fight over this one, the friends of the measure had decided to postpone it until the following session of Congress.

Owing to the impending Civil War the measure was not acted upon at the following session.

CHAPTER IV

The War of Cuban Independence

The Cuban Revolt—President Cleveland's Message in Regard to It—Senators J. Donald Cameron [Pa.], Roger Q. Mills [Tex.], Wilkinson Call [Fla.], Shelby M. Cullom [Ill.], Horace Chilton [Tex.] Present Joint Resolutions Recognizing Independence of Cuba; David B. Hill [N. Y.] Presents Joint Resolution Recognizing Belligerency of Both Contestants and Pledging the United States to Neutrality—Debate: Senator Cullom, Senator Call, Senator Mills, Augustus O. Bacon [Ga.], David Turpie [Ind.]; Resolutions Are Not Acted Upon—President McKinley's Messages on the Cuban War—Cushman K. Davis [Minn.] Presents in the Senate Joint Resolutions of Majority of Committee on Foreign Relations upon Intervention in Cuba—Minority Report—Debate: in Favor of Majority Report, Senator Davis, Stephen B. Elkins [W. Va.], Henry Cabot Lodge [Mass.], George F. Hoar [Mass.], Charles W. Fairbanks [Ind.]; in Favor of Minority Report, Joseph B. Foraker [O.], William E. Mason [Ill.], John W. Daniel [Va.], Henry M. Teller [Col.]; Eugene Hale [Me.] Offers Substitute; David Turpie [Ind.] Moves Amendment to Majority Resolution Recognizing the Insurgent Government; It Is Passed; Senator Davis Moves Amendment Disclaiming Annexation of Cuba; It is Accepted, and Resolutions Are Passed—Robert Adams, Jr. [Pa.] Presents in the House Joint Resolutions on Cuba of the Majority of Committee on Foreign Affairs; Minority Resolutions Are Presented—Debate: in Favor of Majority Resolutions, Mr. Adams; in Favor of Minority Resolutions, Hugh A. Dinsmore [Ark.]; Majority Resolutions Are Passed—Conference Committee Reports Compromise Resolutions, Which Are Passed by Senate and House and Approved by President—War with Spain—Treaty of Peace.

THE Cuban patriots had extorted the promise of reforms from the Spanish Government by a rebellion extending from 1868 to 1878. Spain agreed to allow Cuban representation in the Cortes (Spanish parliament), and the Cuban Liberal party was formed to secure fulfilment of the pledge. In 1880 the Cortes abolished slavery in the island. The government, however, continued oppressive in other respects, such as taxation, favoritism, and plunder in official ad-

1898

ministration, etc., and a new and formidable revolt was inaugurated in 1895 under Generals Gomez, Maceo, and Garcia. Spain sent General Martinez Campos to subdue the insurrection. He was unsuccessful, the insurgents finally, in February, 1896, hemming the Spanish forces in Havana. Accordingly, in that month, the

Spanish Government replaced General Campos by General Weyler, a soldier of more aggressive and ruthless temper. By his adoption of reconcentration, the policy of compelling the Cuban natives to come in from the fields and herd together in cities under the control of Spanish troops, the insurgents were deprived of their former ever available sources of supply and harborage. This order caused great distress among the "reconcentrados," who were reduced to a pitiful degree of starvation, and in their enfeebled and crowded condition were decimated by disease. So earnest was the protest of the American people against Weyler that he was

recalled toward the close of 1897, and General Blanco sent in his stead.

While Weyler was still in power President Cleveland, in his annual message of December 7, 1896, thus referred to the Cuban situation.

The Insurrection in Cuba

President Cleveland

The insurrection in Cuba still continues with all its perplexities. It is difficult to perceive that any progress has thus far been made toward the pacification of the island. If Spain still holds Habana and the seaports and all the considerable towns, the insurgents still roam at will over at least two-thirds of the inland country. If Spain has not yet reëstablished her authority, neither have the insurgents yet made good their title to be regarded as an independent state. The entire country is either given over to anarchy or is subject to the military occupation of one or the other party.

In pursuance of general orders Spanish garrisons are now being withdrawn from plantations and the rural population required to concentrate itself in the towns. The sure result would seem to be that the industrial value of the island is fast diminishing, and that unless there is a speedy and radical change in existing conditions it will soon disappear altogether.

The spectacle of the utter ruin of an adjoining country, by nature one of the most fertile and charming on the globe, would engage the serious attention of the Government and people of the United States in any circumstances. In point of fact, they have a concern with it which is by no means of a wholly sentimental or philanthropic character. It lies so near to us as to be hardly separated from our territory. Our actual pecuniary interest in it is second only to that of the people and government of Spain. It is reasonably estimated that at least from $30,000,000 to $50,000,000 of American capital are invested in plantations and in railroad, mining, and other business enterprises on the island. The volume of trade between the United States and Cuba, which, in 1889, amounted to about $64,000,000, rose in 1893 to about $103,000,000. Besides this large pecuniary stake in the fortunes of Cuba, the United States finds itself inextricably involved in the present contest in other ways both vexatious and costly.

Many Cubans reside in this country and indirectly promote

the insurrection through the press, by public meetings, by the purchase and shipment of arms, by the raising of funds, and by other means, which the spirit of our institutions and the tenor of our laws do not permit to be made the subject of criminal prosecutions. Some of them, though Cubans at heart and in all their feelings and interests, have taken out papers as naturalized citizens of the United States, a proceeding resorted to with a view to possible protection by this Government, and not unnaturally regarded with much indignation by the country of their origin. The insurgents are undoubtedly encouraged and supported by the widspread sympathy the people of this country always and instinctively feel for every struggle for better and freer government, and which, in the case of the more adventurous and restless elements of our population, leads in only too many instances to active and personal participation in the contest. The result is that this Government is constantly called upon to protect American citizens, to claim damages for injuries to persons and property, now estimated at many millions of dollars, and to ask explanations and apolgies for the acts of Spanish officials, whose zeal for the repression of rebellion sometimes blinds them to the immunities belonging to the unoffending citizens of a friendly power. It follows from the same causes that the United States is compelled actively to police a long line of seacoast against unlawful expeditions, the escape of which the utmost vigilance will not always suffice to prevent.

These inevitable entanglements of the United States with the rebellion in Cuba, the large American property interests affected, and considerations of philanthropy and humanity in general, have led to a vehement demand in various quarters for some sort of positive intervention on the part of the United States. It was at first proposed that belligerent rights should be accorded to the insurgents—a proposition no longer urged because untimely and in practical operation clearly perilous and injurious to our own interests. It has since been and is now sometimes contended that the independence of the insurgents should be recognized. But, imperfect and restricted as the Spanish government of the island may be, no other exists there—unless the will of the military officer in temporary command of a particular district can be dignified as a species of government. It is now also suggested that the United States should buy the island—a suggestion possibly worthy of consideration if there were any evidence of a desire or willingness on the part of Spain to entertain such a proposal. It is urged,

finally, that, all other methods failing, the existing internecine strife in Cuba should be terminated by our intervention, even at the cost of a war between the United States and Spain—a war which its advocates confidently prophesy could be neither large in its proportions nor doubtful in its issue.

The correctness of this forecast need be neither affirmed nor denied. The United States has nevertheless a character to maintain as a nation, which plainly dictates that right and not might should be the rule of its conduct. Further, though the United States is not a nation to which peace is a necessity, it is, in truth, the most pacific of powers, and desires nothing so much as to live in amity with all the world. Its own ample and diversified domains satisfy all possible longings for territory, preclude all dreams of conquest, and prevent any casting of covetous eyes upon neighboring regions, however attractive. That our conduct toward Spain and her dominions has constituted no exception to this national disposition is made manifest by the course of our Government, not only thus far during the present insurrection, but during the ten years that followed the rising at Yara in 1868. No other great power, it may safely be said, under circumstances of similar perplexity, would have manifested the same restraint and the same patient endurance.

It is in the assumed temper and disposition of the Spanish government to remedy Cuban grievances, fortified by indications of influential public opinion in Spain, that this Government has hoped to discover the most promising and effective means of composing the present strife, with honor and advantage to Spain and with the achievement of all the reasonable objects of the insurrection.

It would seem that if Spain should offer to Cuba genuine autonomy—a measure of home rule which, while preserving the sovereignty of Spain, would satisfy all rational requirements of her Spanish subjects—there should be no just reason why the pacification of the island might not be effected on that basis. It has been objected, on the one side, that Spain should not promise autonomy until her insurgent subjects lay down their arms; on the other side, that promised autonomy, however liberal, is insufficient, because without assurance of the promise being fulfilled.

Realizing that suspicions and precautions on the part of the weaker of two combatants are always natural and not always unjustifiable—being sincerely desirous in the interest of both as well as on its own account that the Cuban problem

should be solved with the least possible delay—it was intimated by this Government to the government of Spain some months ago that, if a satisfactory measure of home rule were tendered the Cuban insurgents, and would be accepted by them upon a guaranty of its execution, the United States would endeavor to find a way not objectionable to Spain of furnishing such guaranty. While no definite response to this intimation has yet been received from the Spanish government, it is believed to be not altogether unwelcome, while no reason is perceived why it should not be approved by the insurgents. The friendly offices of the United States will always be at the disposal of either party.

Whatever circumstances may arise, our policy and our interests would constrain us to object to the acquisition of the island or an interference with its control by any other power.

It should be added that it can not be reasonably assumed that the hitherto expectant attitude of the United States will be indefinitely maintained. While we are anxious to accord all due respect to the sovereignty of Spain, we can not view the pending conflict in all its features and properly apprehend our inevitably close relations to it and its possible results without considering that, by the course of events, we may be drawn into such an unusual and unprecedented condition as will fix a limit to our patient waiting for Spain to end the contest, either alone and in her own way or with our friendly coöperation.

When the inability of Spain to deal successfully with the insurgents has become manifest and it is demonstrated that her sovereignty is extinct in Cuba for all purposes of its rightful existence, and when a hopeless struggle for its reëstablishment has degenerated into a strife which means nothing more than the useless sacrifice of human life and the utter destruction of the very subject-matter of the conflict, a situation will be presented in which our obligations to the sovereignty of Spain will be superseded by higher obligations, which we can hardly hesitate to recognize and discharge. Deferring the choice of ways and methods until the time for action arrives, we should make them depend upon the precise conditions then existing; and they should not be determined upon without giving careful heed to every consideration involving our honor and interest or the international duty we owe to Spain. Until we face the contingencies suggested, or the situation is by other incidents imperatively changed, we should continue in the line of conduct heretofore pursued, thus in all circumstances exhibiting our

obedience to the requirements of public law and our regard for the duty enjoined upon us by the position we occupy in the family of nations.

On December 9, 1896, three joint resolutions in reference to Cuba were introduced in the Senate.

J. Donald Cameron (Pennsylvania) presented the following:

Resolved, That the independence of the republic of Cuba be, and the same is hereby, acknowledged by the United States of America.

Resolved, That the United States should use its friendly offices with the government of Spain to bring to a close the war between Spain and Cuba.

Roger Q. Mills (Texas) presented a resolution directing the President to take possession of Cuba and establish a protectorate there until the inhabitants had organized a self-protecting government.

Wilkinson Call (Florida) presented a resolution recognizing the Republic of Cuba.

The first two resolutions were referred to the Committee on Foreign Relations, and the third was tabled at the mover's request.

On December 10 Shelby M. Cullom (Illinois) introduced in the Senate the following joint resolution:

Resolved, That the extinction of Spanish title and the termination of Spanish control of the islands at the gateways of the Gulf of Mexico are necessary to the welfare of those islands and to the people of the United States.

Cuban Independence

Senate, December 10, 1896-January 26, 1897

Senator Cullom supported his resolution.

The decision of the questions arising and to arise, and the determination of the policy to be pursued by this Government in the near days of the future, will command the exhibition of high patriotism, not less than of wise action, upon our part. We are already placed in such position that some certain course of action must be adopted. Whatever that course may be, it

must be such as shall give proper recognition to the rights, under existing conditions, belonging respectively to Spain and to Cuba. It must also recognize the rights and prerogatives of the world at large—of the nations and the people who stand aloof and watch with deepest interest this struggle for independence and for liberty against absolutism. And not the least of the responsibilities imposed upon us as a nation is the conservation of our own rights and interests. In fact, this latter is the determining factor which must control our course.

While I am not disposed to criticize President Cleveland, I may properly say that I had hoped he would find occasion to give more positive or emphatic expression of the true American continental policy, which ought to be invoked in all cases where the liberty and independence of any of the peoples of the American continent are involved. And, further, I think we ought never to hesitate or delay when the lines of this policy run parallel and coincident with those of common humanity.

If this position shall strike the mind as being too much in advance of the conservatism which has heretofore obtained in all the schools of diplomacy, I may say that that advance is what the world is waiting for. Must the opening of the twentieth century find free America still bound and held by canons dictated for the perpetuation of monarchical power? Under that antiquated conservatism there never would have been erected on the earth the nation which we love and to the establishment of which our fathers consecrated their lives, their fortunes, and their sacred honor.

The conservatism which adheres to the precedents born in ancient monasteries and clings to an iron-bound monarchism never built a public schoolhouse nor lived in a free land. Humanity and advancement travel together, and dwell only in the climate of republics.

All the diplomacy of all the ages never found a way by which slavery could be dethroned. It required the humanity of Lincoln to break the chains, and the progress of the Republic to open the prison walls to liberty and make glad a waiting world.

The United States must to-day give vitality to her sympathy for the oppressed and the weak. I desire to urge and to claim a policy and the adoption of a doctrine for our nation in advance of that which has heretofore been sanctioned. The United States, by virtue of our history, of our origin, our growth, and our proud and proper place in the world, is the chosen country to put a new chapter into the code of international statutes and

to declare a new and advanced watchword for the civilized world. If we fail to keep up with the march of sentiment and to mold into effective law such salutary principles as we solemnly believe are just and right, and demanded by the progress of the world, we shall neglect a high duty and privilege and omit a sublime opportunity.

If we wait for precedent we shall wait forever. If a precedent is needed we shall make one.

We violated every precedent by the declaration of our own independence on July 4, 1776. When we announced the Monroe doctrine in 1823, it was in defiance of precedent, and was the determination of a rule which has become a law and will never be gainsaid.

We now have reached the time to take another step in advance.

We have already proclaimed that the United States will have something to say regarding matters affecting the American continent, and we should now announce that the speedy termination of Spanish control of the islands at the gateway of the Mexican Gulf is necessary alike to the welfare of those islands and to the people of the United States.

Cuba to-day is lost to Spain. The public proclamation of Spanish defeat may not have been officially and definitely announced, but in truth and fact the submission of Cuba will never again be yielded as of old. The tribute of twenty-five to forty million dollars annually, so long exacted, will never again replenish the treasury of Spain. The struggles of 1895 and 1896 may sadly cripple Cuba, but they will ruin Spain. Cuba, with its wonderful soil and climate, and its unparalleled capabilities, will regain in material wealth and growth under benign influences far more than she has lost. The blood of her people spilled upon her soil will yield a growth of independent citizenship consecrated to liberty. This age is not an age of retrogression. The world of to-day is not wedded to barbarism in order to perpetuate tyranny or relieve tottering dynasties.

Shall it be that the nation where the Inquisition found a congenial home and where the so-called Holy Brotherhood was established for the crushing out of life and liberty and where manhood and womanhood were made the playthings of brutal might—shall it be that the incoming century will chronicle a longer continuance of such power almost within sight of the unfurled Stars and Stripes?

The American people are coming to the consideration of the

Cuban situation as they already have in certain other cases, as a great political question, a continental question, if you please. And being a political continental question, it will be decided ultimately by the continent whose interests are most clearly involved. Geographically considered, Cuba cannot belong to Spain. Cuba is in American waters and politically it is entitled to statehood in the Continent of American Republics.

Has the United States no interest in our own trade and commerce with an island from which we receive fully 90 per cent. of the vast sugar product and much the larger part of all her other productions? The interests of the United States, counting all things passing between the two countries, reach perhaps $100,000,000 annually, and already this trade has been practically wiped out. The Cuban exports of sugar alone have fallen during the current year—1896—from above a million tons to less than a hundred thousand. The tobacco trade is dead. Neither will revive until war stops and the Spaniards get out of Cuba. That is the only solution of the trade problem.

It is about time that this free country ceased to be a police establishment for the aiding of the most outrageous warfare against a struggling people. The Spanish Government three weeks ago bought and shipped for General Weyler numbers of mules and horses raised in this country and purchased in Missouri and other Western States. Under present stringent rules as applied by our Government, every Federal official is a spy to inform against any attempt to convey arms or clothing or supplies to General Gomez or General Maceo, or the Cuban army. Men are now under arrest in the United States for attempting to succor their friends and relatives in Cuba. Has Spain any sympathy for or friendship with this country? Americans have been imprisoned and punished in Cuba for even expressing sorrow for the poor young medical students who were cruelly shot and murdered in Habana a few years ago. There is not a family of any standing in Cuba which has not lost one or more of its members by arbitrary arrest and sunrise murder by armed troops, who marched their victims to the place of blood and shot them in the back.

In the present war, which has lasted about twenty-one months, Spain has wasted over a hundred millions, and has put into the field possibly 200,000 men and boys. Spain is beggared to-day, and unless she can continue her grasp upon Cuba she will show to the world the end of the worst-governed country known in two thousand years.

I believe it to be the duty of the United States to use the

great power attaching to the nation to declare and to maintain, as a prerogative of right, belonging generally to republicanism, and specifically to this Republic, that no charnel house of ruin shall be continued in the West Indian waters, whose waves break at our very front gate, any longer than the time it shall require to break it up. I put it on that ground, and on the ground of humanity as well, because the world knows that no humanity is manifested there on the part of the Spanish army. And if the duty of suppressing this damning blot and erasing it forever from sight shall fall alone upon the United States, so be it. Have we fallen so low as to have forgotten the sacrifices which men of genius and character and honor made in behalf of this country in its days of trouble? Have we forgotten and enshrouded the glorious memory of Lafayette? Have we turned to the wall the pictures of Pulaski, of Steuben, of De Kalb, and others long since in glory? These men cast their lives and their fortunes at our feet that we might succeed. But we shall not stand alone in the warfare which may follow in behalf of common humanity. Nation after nation will make joint cause with us in such a struggle, and when we have succeeded and shall have made into law the principle, and made into history the fact, every other country worth naming will regret its mistake in not participating in the humane work.

The effort cannot fail. We shall not wage any warfare for the acquisition of territory for ourselves. We shall not claim Cuba as a reward for saving her from the slaughter, but we will not see that fair island turned again to the mercies of wild beasts and vultures of war whose only stimulus is gain. Cuba libre—free Cuba—is the reward, and what a glorious reward will that be! Every citizen of the United States will feel that his birthright as an American freeman will mean something. Every lover of liberty the world over will exult in the progress and advancement of man. The breadth and stature of individual Americanism will be enlarged and ennobled. Society will feel that its doors need not be closed against wrong and oppression, for there will be none who dare molest and make afraid. A settlement is to be had. A settlement must be made. The account has been open and running long enough—yes, far too long. To its settlement we may properly invite the coöperation of all the republics of the American Continent. But the end of the devastation must be determined. The United States must furnish the occasion, if it does not otherwise arise.

If other means fail we may consider the propriety of a fair purchase of Cuba. That method has had its share of considera-

tion under previous administrations. It is not that we want the territory, but we mean that the trouble shall meet a just settlement and conclusion. Let the end come, and come quickly. Let the bloodshed cease, and let freedom and humanity be glorified.

I cannot more appropriately close these remarks than by giving the beautiful apostrophe to our Republic and its mission, delivered at Gettysburg in 1869 by an American poet, Bayard Taylor:

> "Her once war-wasted arm,
> Put forth to shield a sister land from harm,
> Ere the last blood on her own blade had dried,
> Shall still be stretched to succor and to guide,
> Beyond our borders, answering each need,
> With counsel and with deed—
> Along our Eastern and our Western wave,
> Still strong to smite, still beautiful to save."

At the mover's request the resolution was referred to the Committee on Foreign Relations.

Senator Call then brought forward his resolution and spoke in favor of its adoption.

Mr. President, what reason can be given for not taking some action recognizing the fact that here are a people who have established a government for themselves? Who has a right to say that, because it is or is not a civil government, but a military government, it shall not be recognized?

In what part of the public law of nations is the proposition contained that a people may not establish a military government? What is Russia; what is Germany; what are all the autocratic governments of the world but governments resting upon military power—upon force? And why should we consider the question whether or not those people proceed by civil processes? But they do. They have an organized government; and the question for us is, How shall we exert the power that is in our hands to perform the legitimate duties of government in the protection of our own citizens and our commercial rights and interests in another country? Hundreds of American citizens have been languishing for months and months in the jails and castles of Cuba, and have been transported to Ceuta—American citizens entitled to the protection of this Government. Taking possession of Cuba will not relieve those American citizens, nor will the declaration of this Government that we recognize the independence of Cuba. That is a different subject. But how shall we prevent the destruction of American commercial rights?

By recognizing the only power that over two-thirds of that island can protect the American citizen and the property of the citizen of the United States found there.

What better argument for the passage of this resolution is there than the fact that Spain is impotent to enforce the rights of American citizens in the territory of Cuba? We may demand of Spain indemnity; we may insist that she shall give the protection needed; but how can she do it when she is compelled to withdraw her forces and to maintain them in the garrisons and the cities of the Gulf?

Mr. President, the first duty of this country is to protect its citizens. How was it in the case of the *Virginius?* What did the Government of Great Britain do? They demanded at the muzzle of the cannon that there should be delivered to them the subjects of Queen Victoria who had been captured, while our own people were left to be the victims of arbitrary power. And so history has come on down. The reproach does not belong to this Administration alone that we have not protected and are not protecting the citizens of the United States and the property of the citizens of the United States. This same proposition of the President was made during the administration of President Grant—I say it with no kind of reproach—but the same proposition of delay, delay until some contingency existed in which the power of the Spanish Government was entirely exhausted. And here, now, after the lapse of twenty years, after a three years' war, after the maintenance of the organized government, we are still told that we must still remain quiet; that we must not acknowledge that which is a fact—the power of those people to exert government over two-thirds of that island, and protect the property of American citizens there, and the lives of American citizens there.

Mr. President, I can see no reason whatever for failing to make promptly this recognition of an existing fact, the independence of Cuba, and giving to it as a government the same rights that are accorded to Spain in the ports and jurisdiction of the United States.

If you do not choose you need not amend your neutrality laws. Cuba does not need anything but the privilege to enter into the ports of the United States and purchase arms and munitions of war. She needs no organized forces from here. She is able to maintain herself, and if she were not that is not our concern.

I maintain that wherever a people have organized a revolution beyond that of a riot, an insurrection, and have organized

a government which shows its power of maintaining itself by asserting its dominion and control of any considerable portion of the territory of a state for any considerable period of time, they have a right to recognition as a government whether they shall ultimately succeed or not.

With what power can a government treat for the protection of the property and life of its citizens or subjects unless it be with that power which can protect them, which has subverted the legitimate and regular authority? If this be not true, it follows that they must remain unprotected, with nothing but the right of indemnity or damages against perhaps an irresponsible and failing power. How will Spain with her diminished resources ever be able to indemnify the people of the United States for the $50,000,000 of money invested in the estates and plantations of Cuba? How will Spain indemnify the people of the United States for the citizens of the United States transported to Ceuta and there for life sentenced to penal labor and confinement?

Mr. President, there seems to me to be no two sides to the question of the duty of the Government of the United States to recognize the independence of the Island of Cuba and its government, and to accord to them all the rights that belong to an independent nation in the ports and jurisdiction of the United States. It is not a question for us to consider whether or not that will lead to war. I do not believe it will. It is a recognized right of nations to do this. There is no right on the part of Spain and no legitimate cause of offence. Really it is to her interest that the Government of the United States should take this action, and that in some form the war should be terminated without further ruin and further destruction of property, and without further excitement of the people of the United States by the continued imprisonment of American citizens without sufficient cause.

On December 21 the Committee on Foreign Relations through Senator Cameron reported a joint resolution acknowledging the independence of Cuba.

On the same day David B. Hill (New York) introduced a joint resolution according belligerent rights to both parties in the Cuban war and pledging the United States to observe strict neutrality between them.

Horace Chilton (Texas) then moved an amendment of the same effect to the Cameron resolution recognizing the independence of Cuba.

On January 7, 1897, Roger Q. Mills (Texas) moved the following joint resolution:

Resolved, That the expediency of recognizing the independence of a foreign government belongs to Congress, and when Congress shall so determine the Executive should act in harmony with the legislative department of the Government.

SEC. 2. That the independence of the Republic of Cuba ought to be, and hereby is, recognized, and the sum of $10,000 is hereby appropriated for salary and expenses of a minister to that government whenever such minister shall be appointed by the President.

The Mills resolution was reported on January 11. Senator Mills supported it.

Mr. President, on the 18th day of December last the Committee on Foreign Relations agreed to report to the Senate of the United States a joint resolution recognizing the independence of the Republic of Cuba. On the morning of the 19th of December a statement was given to the public press by authority of the Secretary of State [Richard Olney] challenging the authority of the Congress of the United States to deal with that question. He stated that in order to allay misapprehension and injurious results that might follow at home and abroad he thought it his duty to announce to the world that the President had the "exclusive" right to deal with the question of the recognition of a foreign state, and that if both Houses of Congress should pass a joint resolution recognizing the independence of a foreign state, and it should be vetoed by the President and then be passed by a two-thirds majority over the President's veto, the law would be inoperative and of no effect.

I propose to meet that contention. It is an extraordinary contention, and this is the second time in the history of the Republic that it has been presented. When it was first presented it met with a signal rebuke by the Congress of the United States, and I doubt not it will meet with the same rebuke now. Where the distinguished Secretary obtains his authority I know not. The Congress of the United States and the executive department are both the creations of the Constitution. Whatever authority the President and the Secretary of State have comes from the words of that great charter, either by an express provision or by a just and necessary implication from an express provision.

The Constitution of the United States gives the President the power to appoint an ambassador to a foreign government, but the foreign government must exist before the President can appoint an ambassador or a minister. The Constitution gives the President power to appoint to an office, but the office must be created before the President can appoint, and the power to create an office in this Government is vested in the legislative department of the Government, and so far as the relations of the people of the United States are concerned the power to create a foreign government rests with the Congress of the United States, for the power to recognize its existence is the power to create our relations with it.

James Monroe, President of the United States, in 1822 did not recognize the independence of the South American states until he was fully authorized by the Congress to do it. On the 2d day of May, 1826, John Quincy Adams, his successor in the presidential chair, carrying into effect the same provision of the statute of May 4, 1822, recognized Peru as an independent nation.

In all these instances the President coöperated with Congress, believing that Congress could rightfully pass upon the expediency and policy of recognizing the independence of a foreign state, and when Congress had passed upon that as a fact then it was his duty to accept that fact as conclusive, and to carry it into execution by appointing and receiving the necessary ambassadors and by making treaties with those governments.

Here I leave this question and take up the question that follows. Congress having the power to recognize a foreign state, should it now recognize the existence of the Republic of Cuba? Why not? Cuba has a government; she has a president; she has a legislative assembly; she has courts; she has officers collecting the revenue; and I see by a statement just made by a gentleman who is soon to be a member of this body, already elected, who has been to Cuba, that the Cuban Republic even compels Spain to pay taxes to that government, and that even General Weyler has to pay his share of such taxation. Nothing purchased in the island outside of Habana enters that city which does not pay taxes to the republic before it enters the Spanish lines. Here is a government in full operation, levying taxes, administering the laws, raising and supporting armies, fighting battles, and still the President says it is not ready for recognition. He tells us that it occupies two-thirds of the territory of the island—if he had said nine-tenths he would have been more accurate. The armed power of Spain cannot get 25 miles

from Habana without going out and making a raid and running back again for shelter; and yet the President thinks that because the Cubans do not come out and give pitched battle to the Spaniards they are not worthy of recognition! The Cubans fight in their own way. The Cubans do not fight without arms and without munitions of war to enable the Spaniards to take them all and shoot them to death. They fight so as to break down the power of Spain; they fight in the only way they can fight; and they fight to the death. The same criticism, however, might have been made by the President if he had lived two thousand years ago. He might have said that Rome had no government because Fabius would not fight Hannibal in open battle when Hannibal was encamped around the walls of Rome for seventeen years. The historian says Fabius baffled Hannibal by refusing to fight until Rome got ready to give battle in her own way; and when she did it was in Africa, where she overturned the government of Carthage and destroyed Hannibal and his army.

Now, we are told that Cuba is not to be recognized because she does not go out without arms in her hands, when she has only ten or fifteen or twenty thousand to fight one hundred or two hundred thousand; and the President says—and I suppose he is a great military genius—if they will do that the whole thing can be settled right off, and we should have peace in our neighboring nation. Yes, they could; but how is Cuba to obtain arms? Cuba is surrounded by a chain of fire, surrounded by Spanish gunboats. She can obtain munitions of war only by occasionally passing by the gunboats and running in and slipping in the munitions, which are obtained by the friends of Cuba in the United States; but the President of the United States has so administered the neutrality laws of this Government as to make his administration a devoted friend of Spain. The Spaniards compliment and praise him. I do not envy the President while he enjoys their encomiums. I do not envy him the tributes he receives from Castelar and Weyler, men who curse and denounce the Senate and House of Representatives of the United States and the people of the United States, while they laud the President with praises for his course.

The neutrality laws of the United States bind the Administration only to prevent the sailing of armed expeditions, and over and over and over again has it been ruled that the sailing of a vessel with arms and munitions of war is no violation of the neutrality laws of the United States, nor is it a violation of the neutrality laws of other countries. We have the neutrality

laws passed in the administration of President Monroe; and not only has it been held that arms and munitions could be shipped, but it has been held that an armed ship may be sent to insurgents lawfully by the laws of nations, only it has to run the peril of being captured by the enemy. Whenever the insurgents in Cuba come to the United States to buy arms and munitions with which to defend their liberties and to save themselves from destruction, they have to apply to the customs officer when their boat is loaded. The customs officer telegraphs to the Secretary of the Treasury, and the telegrams to the Secretary of the Treasury are made public. He telegraphs orders from the Treasury to the customs officer, "Let the ship go, on her stating that she is going from a certain port to a certain port." That information is given to Spain by the public press, and Spain's gunboats can go to that port or seize the vessel on the way.

Is that fair and just? Would it be fair and just with any people of the earth outside of this hemisphere? President Washington in his Farewell Address to the people of the United States cautioned them against favoritism to governments, cautioned them against partialities. Neutrality means impartiality; means that all shall be treated alike; and yet the whole course of the policy of the present Administration in this Cuban struggle has been to strengthen the power of Spain and hasten the hour of the destruction of the insurrection in Cuba. The President says in his message that the question of granting them belligerent rights is now no longer urged. Where did the distinguished Chief Magistrate of the nation get that remarkable information? He did not get it from Congress. Congress passed a law or a concurrent resolution, which is the expression of its opinion, and it is upon the statute book yet. If it were no longer urged somebody would offer a resolution to repeal it on the ground that we had made a mistake; but instead of retracing our steps of last year Congress is proposing to advance. Nor did the President get this remarkable information from the people of the United States. They believe in a government of the people founded on the consent of the governed. They are opposed to monarchy; they have no sympathy with Spain. Ninety-nine out of every hundred patriots in the United States deeply and profoundly sympathize with the insurrection in Cuba.

It may be possible that the boards of trade, the stock exchanges, and the commercial clubs of the great exporting cities on the Atlantic seaboard and in the North and West have had access to his ears and given him that information.

I have received communications from some of the distinguished commercial gentlemen in the United States, criticising me for the part I have taken. They say: "Business has just begun to revive, and now you are going on tearing it all to pieces again; you want to bring on war. What have we got to do with Cuba? We are exporting and importing to Cuba; we are making money. Let us alone." It is this mercantile spirit in this country that is fighting against its honor. The President says we ought to do the right thing; not to use might, but to use right; and he speaks in his message of what we owe to Spain.

Do we owe no duty to the poor, struggling people whom Spain is butchering every hour? We have said for one hundred years, and we say it to-day, and the President repeats it in this very message, that we will let no other power interfere in Cuba. We will not let them go and assume a protectorate over that island. We have shut them out from all houses of refuge; we have condemned them to slavery and to the despotism of the assassin who occupies the throne of Spain. We have done it; and we repeat it day by day, and yet shall we sit still in the Senate and in the House of Representatives and in the Executive chair of this nation and talk about our duty to Spain? We owe no duties to a despot, except the duties that we have covenanted in treaties that we have made with her, and which she has persistently refused to execute.

We owe a duty to the people of Cuba. We said in the very beginning of our history that Cuba should remain under the dominion of Spain. We said no other European government should acquire it. We said France should not have Louisiana, and we compelled her to sell it to us. We took the same ground with reference to Florida in 1811. We were then in a condition of quasi war with England and France. It was apprehended by our people that Great Britain was trying to get possession of Florida. On the 3d of January, 1811, Mr. Madison sent a message to Congress in which he said the country east of the Perdido River was so intimately connected with the security and tranquillity of the United States that he asked Congress to say by a declaration "that the United States could not see, without serious inquietude, that country pass from the hands of Spain into that of any other foreign power." Congress passed the act, and authorized him to take forcible possession of the territory, which he did, and occupied it with the army, notwithstanding Spain was the proprietor of the territory; and from that day on to the day when the gallant Colonel Monroe, as

President of the United States, threw the gauntlet of the young Republic at the feet of the Holy Alliance and dared them to lift it have we said that this hemisphere was not to be dominated by European influence.

Mr. President, we owe something to our own people in conjunction with the debt we owe to the poor, oppressed people of Cuba. If I had the place which the President has I would call upon the Congress of the United States to give me the power to take the armed fleets of this Government to Habana, and I would there protect the people of the United States or I would reduce those fortresses to a mass of mortar and ruin. [Applause in the galleries.]

An American newspaper correspondent, Govin, without a penknife, with a certificate in his pocket showing that he is a newspaper correspondent, with a certificate showing that he takes no part in the armed insurrection on the island, is taken out, strung up between two trees, and a squadron of cavalry rides by—at a dash—a gallant dash—and hews his flesh from his bones with machetes? Then what do we do? What does this great Republic do? She writes a note, and that note calls upon another officer to write another note, and, as poor Sanguilly said, it is words, words, words. Lying in prison in violation of the provisions of the treaty of 1877 for a year, and now condemned to perpetual imprisonment! Words! Why can not we demand of Spain that the perpetrators of this vile deed under Spain shall be punished? Why call upon Spain for words?

By military order when Sanguilly was captured he was condemned, I believe, to be shot or to be transported for life to the penal colony in Africa. The sentence was one or the other. Our Government called the attention of the Spanish Government to the fact that by treaty he must be tried by the civil courts. The civil courts in Cuba! They have had the laws of the machete since 1825. Cuba has no courts but the courts that are decreed from the mouth of the captain-general. "Well," Spain said, "if that will relieve you, all right." The judgment of the court at Madrid is set aside. The prisoner is ordered back to trial in Cuba by the civil courts, and a civil court is the creature of Weyler, and when the time comes for the trial he takes out the only witness who can prove that the man was a non-combatant, the only witness who can prove his innocence, and boldly shoots him to death, and imprisons the attorney who defends him—and then brings the prisoner up for trial and, without any evidence, repeats the same condemnation. Then, what does our Govern-

ment do? Some more words, words, words. They say, "He has been tried according to treaty. He has been tried by the civil courts. There is nothing to do now except to stand by and see an American shot to death for nothing." I say, Oh to God that we had one hour of Franklin Pierce, William L. Marcy, and Commander Ingraham![1] I say it is the duty of the Government of the United States to see that her citizen has a fair trial upon the merits of the accusation made against him, and to take some part in that controversy herself to see whether or not he is punished justly; and I care nothing about the verdicts of the courts of Spain or the courts of any other country on earth. If the citizen of the United States, in the judgment of his own Government, has violated no law, if he does not merit the punishment prescribed by a foreign government, I would make the atmosphere around Madrid smell of sulphur for a month. [Applause in the galleries.]

Premier Castelar has complimented the President. He talks about the crazy Senate and people of the United States. He talks about the greatness and glory of the President of the United States. I do not envy the President that man's compliment. His hands are besmeared with the blood of fifty-seven innocent American citizens who were executed while he was chief executive of Spain, murdered without trial. God grant that the day may come sometime when this great nation with all its power may once more be relieved from the shackles of the mercantile spirit of this country, when it may stand out in the face of the earth and assert and maintain the rights of its people everywhere, granting the rights of all other people honestly and religiously, observing them everywhere, and compelling every government on the earth to respect the rights of its citizens.

Mr. President, I feel that the people of the United States are in honor bound to interfere for the deliverance of those people; that they are in honor bound to protect our own people on that island and to see that when they are in possession of their rights not a hair on their heads shall fall to the ground. Whether the Congress of the United States or the President shall go forward to the discharge of their high duty, so long as I remain in this body as a representative of the people of Texas I will speak their views in favor of the discharge of every obligation of this Government and in favor of rescuing those poor people from the dungeon into which we have committed them. [Applause in the galleries.]

[1] See Volume VII, Chapter V: "The Koszta Affair."

On January 13 Augustus O. Bacon (Georgia) supported Senator Mills' resolution. His speech was of great value outside of its relation to Cuba, because of its clear analysis of the related constitutional powers of Congress and the President. As this analysis is however only incidental to the Cuban situation, it is here omitted.

Senator Bacon began by referring to a resolution which he had introduced in December, and which was now before the Judiciary Committee:

Resolved by the Senate (the House of Representatives concurring), That the question of the recognition by this Government of any people as a free and independent nation is one exclusively for the determination of Congress in its capacity as the lawmaking power;

Resolved further, That this prerogative of sovereign power does not appertain to the executive department of the Government, except in so far as the President is, under the Constitution, by the exercise of the veto, made a part of the lawmaking power of the Government.

Senator Bacon supported his resolution as follows:

Recognition makes the independence of the new nation a part of the law of this land. It becomes law binding upon the citizen, the official, and the Government; law recognized and administered by our courts; law under which in our own courts title to property is vested and divested; law which can be made the test of alleged crime; law which no judge of our courts could wantonly and capriciously ignore and refuse to administer without subjecting himself to impeachment and removal from office.

The declaration of a simple fact as a fact cannot accomplish such result. The mere declaration of a fact as such cannot coerce the action of a whole people and command the judgments and determine the decrees of courts as to property and personal liberty and life. Only law can do this, and only Congress can by the exercise of this power of recognition of the independence of a nation declare this law.

Those who claim that this power rests exclusively in the Executive must follow their argument to its final results, and they cannot escape the conclusion that if this contention is correct no monarch in the day of arbitrary and unlimited rule ever

wielded more absolute and unquestioned power than does the President of the United States in this regard. I will add that there is not on earth to-day a constitutional monarch who personally wields such power; not one.

The great struggle of centuries has been to free the people from the domination of one-man power. The culmination and triumph in that struggle was typified in the formation of this Government. So long as the executive head is confined in the exercise of power to these bounds set for him by the organic law there can be no one-man domination.

To guard and fortify against the growth of power centered in one man, which all experience had shown to be aggressive and dangerous, the legislative is, under the Constitution, made the highest branch of this Government. While it is in no manner answerable to either of the other branches of government, on the contrary, all officers of all other branches of the Government are answerable to Congress as to a tribunal of final power. The great governmental functions, the exercise of the great powers of the sovereignty of the Government, have been committed to it by the Constitution with the particular design and intent that they shall not be exercised by the Executive; that, at great cost of blood and treasure, wrested as they had been from the grasp of kings, these great powers should never be again within the control of any one man.

The fundamental purpose was to elevate the people rather than to exalt any man who of necessity should be set up to rule. The supreme design was that their commands should be executed by him, rather than that they should be subjected to his will, "to the end that this may be a government of laws and not of men."

On January 25-26 David Turpie (Indiana) spoke to the Cameron resolution recognizing the independence of Cuba.

Mr. President, I favor first a recognition of the independence of the Cuban Republic. I believe that would be the most patriotic, the most thoroughly American method of disposing of this question; and if economy is to be considered it is also the most facile and least expensive method of terminating this condition. I believe next in the declaration of belligerency, placing the combatants upon equal footing; that it is due from the United States, having regard to its history, its rank and station among the family of nations, to acknowledge the great right of revolu-

tion and self-government in any people upon any island of this hemisphere or in any part of the continent.

I believe in recognition because recognition is reënforcement. It is reënforcement to the side and cause of freedom in this hemisphere. If the Cuban patriots succeed we may then claim that we were friends of that republic, friends in need, friends in the hour and day of danger. If failure befall them, which may God avert, our action will lose nothing of grace or grandeur, and we shall have kept faith with that generous, quenchless spirit of liberty which has placed our own feet in so large room and in the way of such a high career that we cannot forbear, we cannot be silent; we must cry out, in the words of Lincoln, the great emancipator, "I wish that all men everywhere might be free!"

None of the Cuban resolutions came to a vote in the Senate during this session.

Four resolutions to recognize the independence of Cuba were presented in the House, and all were referred to the Committee on Foreign Relations, which made no report upon them.

On December 6, 1897, President McKinley thus referred to the Cuban situation in his first annual message.

"Forcible Annexation Would Be Criminal Aggression"

President McKinley's Message on Cuba

The prospect from time to time that the weakness of Spain's hold upon the island and the political vicissitudes and embarrassments of the home government might lead to the transfer of Cuba to a Continental power called forth, between 1823 and 1860, various emphatic declarations of the policy of the United States to permit no disturbance of Cuba's connection with Spain unless in the direction of independence or acquisition by us through purchase; nor has there been any change of this declared policy since upon the part of the Government.

The revolution which began in 1868 lasted for ten years, despite the strenuous efforts of the successive peninsular governments to suppress it. Then, as now, the Government of the United States testified its grave concern and offered its aid to put an end to bloodshed in Cuba. The overtures made by General Grant were refused and the war dragged on, entailing great

loss of life and treasure and increased injury to American interests, besides throwing enhanced burdens of neutrality upon this Government. In 1878 peace was brought about by the truce of Zanjon, obtained by negotiations between the Spanish commander, Martinez de Campos, and the insurgent leaders.

The present insurrection broke out in February, 1895. The revolt and the efforts to subdue it carried destruction to every quarter of the island, developing wide proportions and defying the efforts of Spain for its suppression. The civilized code of war has been disregarded, no less so by the Spaniards than by the Cubans.

The offer made by my predecessor in April, 1896, tendering the friendly offices of this Government failed. Any mediation on our part was not accepted. In brief, the answer read: "There is no effectual way to pacify Cuba unless it begins with the actual submission of the rebels to the mother country."

The cruel policy of concentration was initiated February 16, 1896. It has utterly failed as a war measure. It was not civilized warfare. It was extermination.

Against this abuse of the rights of war I have felt constrained on repeated occasions to enter the firm and earnest protest of this Government.

The instruction given to our new minister to Spain [Gen. Stewart L. Woodford] before his departure for his post directed him to impress upon that government the sincere wish of the United States to lend its aid toward the ending of the war in Cuba by reaching a peaceful and lasting result, just and honorable alike to Spain and to the Cuban people. It was stated that our Government was constrained seriously to inquire if the time was not ripe when Spain of her own volition, moved by her own interests and every sentiment of humanity, should put a stop to this destructive war and make proposals of settlement, honorable to herself and just to her Cuban colony. It was urged that as a neighboring nation, with large interests in Cuba, we could be required to wait only a reasonable time for the mother country to establish its authority and restore peace and order within the borders of the island; that we could not contemplate an indefinite period for the accomplishment of this result.

No solution was proposed to which the slightest idea of humiliation to Spain could attach, and indeed precise proposals were withheld to avoid embarrassment to that government. All that was asked or expected was that some safe way might be speedily provided and permanent peace restored. Between the departure of General Woodford, the new envoy, and his ar-

rival in Spain the statesman who had shaped the policy of his country [Señor Canovas] fell by the hand of an assassin, and although the cabinet of the late premier still held office and received from our envoy the proposals he bore, that cabinet gave place within a few days thereafter to a new administration, under the leadership of Sagasta.

The reply to our note was received on the 23d day of October, 1897. It is in the direction of a better understanding. It appreciates the friendly purposes of this Government. It admits that our country is deeply affected by the war in Cuba and that its desires for peace are just. It declares that the present Spanish Government is bound by every consideration to a change of policy that should satisfy the United States and pacify Cuba within a reasonable time. To this end Spain has decided to put into effect the political reforms heretofore advocated by the present premier without halting for any consideration in the path which in its judgment leads to peace. The military operations, it is said, will continue, but will be humane and conducted with all regard for private rights, being accompanied by political action leading to the autonomy of Cuba while guarding Spanish sovereignty. This, it is claimed, will result in investing Cuba with a distinct personality, the island to be governed by an executive and by a local council or chamber, reserving to Spain the control of the foreign relations, the army and navy, and the judicial administration. To accomplish this the present Government proposes to modify existing legislation by decree, leaving the Spanish Cortes, with the aid of Cuban senators and deputies, to solve the economic problem and properly distribute the existing debt.

In the absence of a declaration of the measures that this Government proposes to take in carrying out its proffer of good offices, it suggests that Spain be left free to conduct military operations and grant political reforms, while the United States for its part shall enforce its neutral obligations and cut off the assistance which it is asserted the insurgents receive from this country. The supposition of an indefinite prolongation of the war is denied. It is asserted that the western provinces are already well-nigh reclaimed, that the planting of cane and tobacco therein has been resumed, and that by force of arms and new and ample reforms very early and complete pacification is hoped for.

Discussion of the question of the international duties and responsibilities of the United States as Spain understands them is presented, with an apparent disposition to charge us with

failure in this regard. This charge is without any basis in act. It could not have been made if Spain had been cognizant of the constant efforts this Government has made at the cost of millions and by the employment of the administrative machinery of the nation at command to perform its full duty according to the law of nations. That it has successfully prevented the departure of a single military expedition or armed vessel from our shores in violation of our laws would seem to be a sufficient answer.

Firm in the conviction of a wholly performed obligation, due response to this charge has been made in diplomatic course.

Throughout all these horrors and dangers to our own peace this Government has never in any way abrogated its sovereign prerogative of reserving to itself the determination of its policy and course according to its own high sense of right and in consonance with the dearest interests and convictions of our own people should the prolongation of the strife so demand.

Of the untried measures there remain only: Recognition of the insurgents as belligerents; recognition of the independence of Cuba; neutral intervention to end the war by imposing a rational compromise between the contestants, and intervention in favor of one or the other party. I speak not of forcible annexation, for that cannot be thought of. That by our code of morality would be criminal aggression.

Recognition of the belligerency of the Cuban insurgents has often been canvassed as a possible, if not inevitable, step both in regard to the previous ten years' struggle and during the present war. I am not unmindful that the two Houses of Congress in the spring of 1896 expressed the opinion by concurrent resolution that a condition of public war existed requiring or justifying the recognition of a state of belligerency in Cuba, and during the extra session the Senate voted a joint resolution of like import, which, however, was not brought to a vote in the House of Representatives. In the presence of these significant expressions of the sentiment of the legislative branch it behooves the Executive to consider soberly the conditions under which so important a measure must needs rest for justification. It is to be seriously considered whether the Cuban insurrection possesses beyond dispute the attributes of statehood which alone can demand the recognition of belligerency in its favor. Possession, in short, of the essential qualifications of sovereignty by the insurgents and the conduct of the war by them according to the received code of war are no less important factors toward the determination of the problem of belligerency than are the

influences and consequences of the struggle upon the internal polity of the recognizing state.

Turning to the practical aspects of a recognition of belligerency and reviewing its inconveniences and positive dangers, still further pertinent considerations appear. In the code of nations there is no such thing as a naked recognition of belligerency unaccompanied by the assumption of international neutrality. Such recognition without more will not confer upon either party to a domestic conflict a status not theretofore actually possessed or affect the relation of either party to other states. The act of recognition usually takes the form of a solemn proclamation of neutrality which recites the *de facto* condition of belligerency as its motive. It announces a domestic law of neutrality in the declaring state. It assumes the international obligations of a neutral in the presence of a public state of war. It warns all citizens and others within the jurisdiction of the proclaimant that they violate those rigorous obligations at their own peril and cannot expect to be shielded from the consequences. The right of visit and search on the seas and seizure of vessels and cargoes and contraband of war and good prize under admiralty law must, under international law, be admitted as a legitimate consequence of a proclamation of belligerency. While according the equal belligerent rights defined by public law to each party in our ports, disfavors would be imposed on both which, while nominally equal, would weigh heavily in behalf of Spain herself. Possessing a navy and controlling the ports of Cuba her maritime rights could be asserted not only for the military investment of the island, but up to the margin of our own territorial waters, and a condition of things would exist for which the Cubans within their own domain could not hope to create a parallel; while its creation through aid or sympathy from within our domain would be even more impossible than now, with the additional obligations of international neutrality we would perforce assume.

The enforcement of this enlarged and onerous code of neutrality would only be influential within our own jurisdiction by land and sea and applicable by our own instrumentalities. It could impart to the United States no jurisdiction between Spain and the insurgents. It would give the United States no right of intervention to enforce the conduct of the strife within the paramount authority of Spain according to the international code of war.

For these reasons I regard the recognition of the belligerency of the Cuban insurgents as now unwise and therefore inadmis-

sible. Should that step hereafter be deemed wise as a measure of right and duty the Executive will take it.

Intervention upon humanitarian grounds has been frequently suggested, and has not failed to receive my most anxious and earnest consideration. But should such a step be now taken when it is apparent that a hopeful change has supervened in the policy of Spain toward Cuba? The policy of cruel rapine and extermination that so long shocked the universal sentiment of humanity has been reversed. Under the new military commander a broad clemency is proffered. Measures have already been set on foot to relieve the horrors of starvation.

Decrees in application of the foreshadowed reforms have already been promulgated. All civil and electoral rights of peninsular Spaniards are, in virtue of existing constitutional authority, forthwith extended to colonial Spaniards. A scheme of autonomy has been proclaimed by decree, to become effective upon ratification by the Cortes. It creates a Cuban parliament which, with the insular executive, can consider and vote upon all subjects affecting local order and interests, possessing unlimited powers save as to matters of state, war, and the navy, as to which the governor-general acts by his own authority as the delegate of the central government. This parliament has the right to propose to the central government, through the governor-general, modifications of the national charter and to invite new projects of law or executive measures in the interest of the colony.

It is honestly due to Spain and to our friendly relations with Spain that she should be given a reasonable chance to realize her expectations and to prove the asserted efficacy of the new order of things to which she stands irrevocably committed. She has recalled the commander whose brutal orders inflamed the American mind and shocked the civilized world, and has modified the horrible order of concentration.

The near future will demonstrate whether the indispensable condition of a righteous peace, just alike to the Cubans and to Spain, as well as equitable to all our interests, so intimately involved in the welfare of Cuba, is likely to be attained. If not, the exigency of further and other action by the United States will remain to be taken. When that time comes that action will be determined in the line of indisputable right and duty. It will be faced, without misgiving or hesitancy, in the light of the obligation this Government owes to itself, to the people who have confided to it the protection of their interests and honor, and to humanity.

Sure of the right, keeping free from all offence ourselves, actuated only by upright and patriotic considerations, moved neither by passion nor selfishness, the Government will continue its watchful care over the rights and property of American citizens and will abate none of its efforts to bring about by peaceful agencies a peace which shall be honorable and enduring. If it shall hereafter appear to be a duty imposed by our obligations to ourselves, to civilization, and humanity to intervene with force, it shall be without fault on our part and only because the necessity for such action will be so clear as to command the support and approval of the civilized world.

On February 15, 1898, the American warship *Maine*, while in the harbor of Havana, was sunk by an explosion.[1]

On April 11 the President sent a special message to Congress on Cuba.

Intervention in Cuba

President McKinley

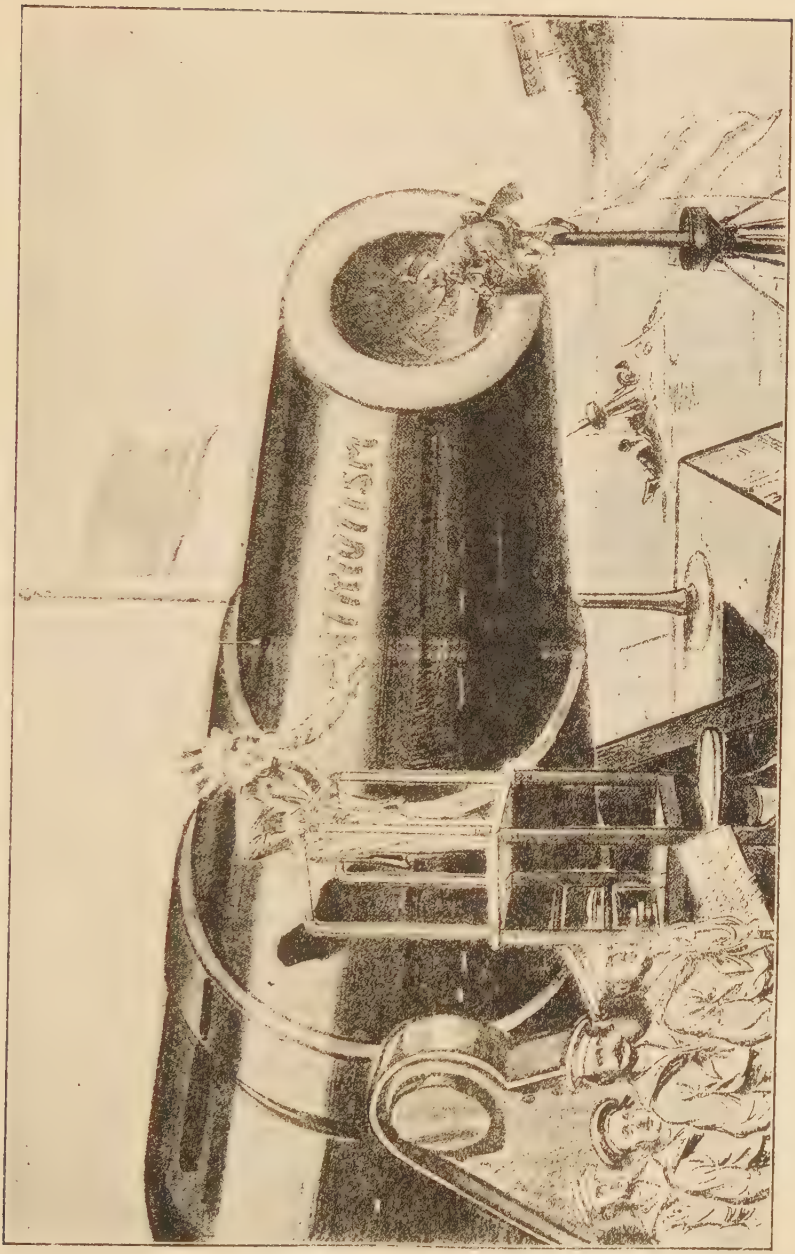
The war in Cuba is of such a nature that short of subjugation or extermination a final military victory for either side seems impracticable.

Realizing this, it appeared to be my duty, in a spirit of true friendliness, no less to Spain than to the Cubans, who have so much to lose by the prolongation of the struggle, to seek to bring about an immediate termination of the war. To this end I submitted, on the 27th ultimo, as a result of much representation and correspondence, through the United States minister at Madrid, propositions to the Spanish Government looking to an armistice until October 1 for the negotiation of peace with the good offices of the President.

In addition, I asked the immediate revocation of the order of reconcentration, so as to permit the people to return to their farms and the needy to be relieved with provisions and supplies from the United States, coöperating with the Spanish authorities, so as to afford full relief.

The reply of the Spanish cabinet was received on the night of the 31st ultimo. It offered, as the means to bring about peace in Cuba, to confide the preparations thereof to the insular parliament, inasmuch as the concurrence of that body would be necessary to reach a final result, it being, however, understood

[1] The details of this disaster are given on page 134 ss.



BE CAREFUL! IT'S LOADED

By Victor Gillam in "Judge"

that the powers reserved by the constitution to the central government are not lessened or diminished. As the Cuban parliament does not meet until the 4th of May next, the Spanish Government would not object, for its part, to accept at once a suspension of hostilities if asked for by the insurgents from the general-in-chief, to whom it would pertain, in such case, to determine the duration and conditions of the armistice.

Nor from the standpoint of expediency do I think it would be wise or prudent for this Government to recognize at the present time the independence of the so-called Cuban Republic. Such recognition is not necessary in order to enable the United States to intervene and pacify the island. To commit this country now to the recognition of any particular government in Cuba might subject us to embarrassing conditions of international obligation toward the organization so recognized. In case of intervention our conduct would be subject to the approval or disapproval of such government. We would be required to submit to its direction and to assume to it the mere relation of a friendly ally.

When it shall appear hereafter that there is within the island a government capable of performing the duties and discharging the functions of a separate nation, and having, as a matter of fact, the proper forms and attributes of nationality, such government can be promptly and readily recognized and the relations and interests of the United States with such nation adjusted.

There remain the alternative forms of intervention to end the war, either as an impartial neutral by imposing a rational compromise between the contestants, or as the active ally of the one party or the other.

As to the first, it is not to be forgotten that during the last few months the relation of the United States has virtually been one of friendly intervention in many ways, each not of itself conclusive, but all tending to the exertion of a potential influence toward an ultimate pacific result, just and honorable to all interests concerned. The spirit of all our acts hitherto has been an earnest, unselfish desire for peace and prosperity in Cuba, untarnished by differences between us and Spain, and unstained by the blood of American citizens.

The forcible intervention of the United States as a neutral to stop the war, according to the large dictates of humanity and following many historical precedents where neighboring states have interfered to check the hopeless sacrifices of life by internecine conflicts beyond their borders, is justifiable on rational

grounds. It involves, however, hostile constraint upon both the parties to the contest as well to enforce a truce as to guide the eventual settlement.

The grounds for such intervention may be briefly summarized as follows:

First. In the cause of humanity and to put an end to the barbarities, bloodshed, starvation, and horrible miseries now existing there, and which the parties to the conflict are either unable or unwilling to stop or mitigate. It is no answer to say this is all in another country, belonging to another nation, and is therefore none of our business. It is specially our duty, for it is right at our door.

Second. We owe it to our citizens in Cuba to afford them that protection and indemnity for life and property which no government there can or will afford, and to that end to terminate the conditions that deprive them of legal protection.

Third. The right to intervene may be justified by the very serious injury to the commerce, trade, and business of our people and by the wanton destruction of property and devastation of the island.

Fourth, and which is of the utmost importance. The present condition of affairs in Cuba is a constant menace to our peace, and entails upon this Government an enormous expense. With such a conflict waged for years in an island so near us and with which our people have such trade and business relations—when the lives and liberty of our citizens are in constant danger and their property destroyed and themselves ruined—where our trading vessels are liable to seizure and are seized at our very door by warships of a foreign nation, the expeditions of filibustering that we are powerless to prevent altogether, and the irritating questions and entanglements thus arising—all these and others that I need not mention, with the resulting strained relations, are a constant menace to our peace, and compel us to keep on a semiwar footing with a nation with which we are at peace.

These elements of danger and disorder already pointed out have been strikingly illustrated by a tragic event which has deeply and justly moved the American people. I have already transmitted to Congress the report of the naval court of inquiry on the destruction of the battleship *Maine* in the harbor of Havana during the night of the 15th of February. The destruction of that noble vessel has filled the national heart with inexpressible horror. Two hundred and fifty-eight brave sailors and marines and two officers of our navy, reposing in the fancied

security of a friendly harbor, have been hurled to death, grief and want brought to their homes, and sorrow to the nation.

The naval court of inquiry, which, it is needless to say, commands the unqualified confidence of the Government, was unanimous in its conclusion that the destruction of the *Maine* was caused by an exterior explosion, that of a submarine mine. It did not assume to place the responsibility. That remains to be fixed.

In any event the destruction of the *Maine,* by whatever exterior cause, is a patent and impressive proof of a state of things in Cuba that is intolerable. That condition is thus shown to be such that the Spanish Government cannot assure safety and security to a vessel of the American navy in the harbor of Havana on a mission of peace, and rightfully there.

Further referring in this connection to recent diplomatic correspondence, a dispatch from our minister to Spain, of the 26th ultimo, contained the statement that the Spanish minister for foreign affairs assured him positively that Spain will do all that the highest honor and justice require in the matter of the *Maine.* The reply above referred to of the 31st ultimo also contained an expression of the readiness of Spain to submit to an arbitration all the differences which can arise in this matter.

The long trial has proved that the object for which Spain has waged the war cannot be attained. The fire of insurrection may flame or may smolder with varying seasons, but it has not been, and it is plain that it cannot be, extinguished by present methods.

The only hope of relief and repose from a condition which can no longer be endured is the enforced pacification of Cuba. In the name of humanity, in the name of civilization, in behalf of endangered American interests which give us the right and the duty to speak and to act, the war in Cuba must stop.

In view of these facts and of these considerations, I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes.

And in the interest of humanity and to aid in preserving the lives of the starving people of the island I recommend that the distribution of food and supplies be continued, and that an ap

propriation be made out of the public treasury to supplement the charity of our citizens.

The issue is now with the Congress. It is a solemn responsibility. I have exhausted every effort to relieve the intolerable

SPEAKER REED TO McKINLEY.—"YOU'VE GOT TO BANK THE FIRE SOME WAY OR OTHER; I CAN'T HOLD IN THIS STEAM MUCH LONGER"

By R. Bowman, in Minneapolis "Tribune"

condition of affairs which is at our doors. Prepared to execute every obligation imposed upon me by the Constitution and the law, I await your action.

Yesterday, and since the preparation of the foregoing message, official information was received by me that the latest decree of the Queen Regent of Spain directs General Blanco, in order to prepare and facilitate peace, to proclaim a suspension of hostilities, the duration and details of which have not yet been communicated to me.

This fact with every other pertinent consideration will, I am sure, have your just and careful attention in the solemn deliberations upon which you are about to enter.

If this measure attains a successful result, then our aspirations as a Christian, peace-loving people will be realized. If it fails, it will be only another justification for our contemplated action.

Cuban Independence

Senate, April 13-16, 1898

On April 13, 1898, Cushman K. Davis (Minnesota), chairman of the Committee on Foreign Relations, presented to the Senate a joint resolution for the recognition of the independence of the people of Cuba, demanding that the Government of Spain relinquish its authority and government in the island of Cuba, and withdraw its land and naval forces from Cuba and Cuban waters, and directing the President of the United States to use the land and naval forces of the United States to carry these resolutions into effect.

To this committee had been referred a number of resolutions and two presidential messages on the subject, the latter being of March 28 and April 11, 1898. The committee submitted with its resolution a long argumentative report, the substance of which will be found in the speeches advocating its adoption.

The committee recommended the adoption of the following resolution:

Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battleship, with 266 of its officers and crew, while on a friendly visit in the harbor of Havana, and cannot longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of Congress was invited: Therefore,

Resolved, First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual

service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

The minority of the committee presented the following views:

The undersigned members of said committee cordially concur in the report made upon the Cuban resolutions, but we favor the immediate recognition of the Republic of Cuba, as organized in that island, as a free, independent, and sovereign power among the nations of the world.

DAVID TURPIE.
R. Q. MILLS.
JNO. W. DANIEL.
J. B. FORAKER.

The amendment reported by the minority of the committee was to amend the first paragraph by inserting, in line 4, after the word "independent," the following:

And that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island.

Senator Foraker supported the minority resolution. He first spoke of the points on which the entire committee were agreed.

I desire first to speak of the difference between the Executive and the committee, as shown by these recommendations, as to the form and character of intervention. The committee differed with the President in the first place because, in the judgment of the committee, the time had come when no further negotiations were in order. In the language of the President employed in this message, the time for action, in the judgment of the committee, had come, and the committee felt that while they had the matter under consideration they would provide for action, immediate and specific, and, as they believed, in character and keeping with the desires of the American people in respect to this matter.

In the second place, Mr. President, the committee, or at least some members of the committee, had grave doubts as to the

right of Congress to confer upon the Chief Executive of the nation the conditional exercise of the war-making power. Congress alone is invested with the war-making power. The proposition of the President was that he should take effective steps, such, of course, as he might deem effective, and that if he should fail to secure a cessation of hostilities in Cuba, then and in that event he was authorized to employ the army and the navy of the United States. In other words, make war in the condition or contingency that his negotiations should fail. I for one at least think the committee generally doubted the legality of that proposition.

Then, Mr. President, as to the establishment of a stable government by the President of the United States in the island of Cuba, the committee were of the opinion that there might possibly be grave doubts as to the right of Congress to empower the President of the United States or for the Congress itself to create and establish a stable government in the island of Cuba for the benefit of the Cuban people.

However that may be, after the committee had declared that the people of the island of Cuba are and of right ought to be free and independent, the proposition that the President of the United States or the Congress of the United States or any other exterior power should establish for that independent people a government stable or otherwise was inconsistent.

If a people be free and independent, as we have in this first proposition declared that the people of the island of Cuba are, they, and they alone, have power to establish their government. Independence and sovereignty go hand in hand, and any people who have independence have the capacity and the right to exercise sovereignty, and it is a denial of independence to say in the next breath after you have declared it that we will undertake, or we do hereby reserve the right and power, to establish for that independent people a government such as in our judgment and opinion may be stable.

Whether or not a people who have revolted and rebelled against a sovereign power and are striving for independence are entitled to be recognized as an independent state is always a question of fact as well as a question of law. Before you can tell what law is applicable to any particular case you must ascertain what the facts are. What are the facts with respect to Cuba? Fortunately in answering that question I need not long or tediously detain the Senate. Not only from the newspapers and other sources of information, but from presidential messages, from the last one received, and especially and particularly

from the very able report of the chairman of the Committee on Foreign Relations, we have been fully advised.

Mr. President, it is now plain to all the world, plain to Spain herself, for she has been for months, and is now by every steamer, recalling her troops from there, that she is no longer attended in her efforts to subdue that island by any reasonable expectation or hope of ultimate success. That being the case, such being the facts, what is the law of the case? I read from Hall on International Law. It is a standard and a modern authority. It has been written in the light not only of ancient, but of modern precedents.

Hall tells us that whenever the struggle on the part of the former sovereign becomes "so inadequate as to offer no reasonable ground for supposing that success may ultimately be obtained, it is not enough to keep alive the rights of the state, and so to prevent foreign countries from falling under an obligation to recognize as a state the community claiming to have become one."

I need not read other authorities, but I challenge any Senator who may enter into this discussion to find an authority inconsistent with the declaration which I have read, who is accepted as a standard authority among those who are competent to judge of international-law writers.

That is the rule; whenever the struggle on the part of the sovereign to recover lost authority, lost sovereignty, has ceased to be attended with a reasonable hope or expectation of success, then other countries have a right to recognize the independence of the opposing people. If I have been talking to any purpose I have made it plain by the statement of facts I have given that no longer are the struggles of Spain in the island of Cuba attended with any reasonable hope or expectation of success. That being true, Mr. President, according to the principles of international law we have a right, as the committee have reported, and it is our duty to recognize the independence of the people of Cuba.

But suppose something is lacking in the Cuban case to justify us in claiming that they are absolutely free and independent, will not that which may be lacking, whatever it may be, be supplied when the United States of America intervenes, as we propose to do by this same resolution? Intervention goes here, according to this resolution, as it does naturally, hand in hand with independence. When this demand, which we all agree is to be made, that Spain shall withdraw is made upon her, that minute she must either abdicate, which would leave the island free

and independent to the satisfaction, I imagine, of the most hostile mind to the recognition of independence, or else, if she does not abdicate, she must then give battle—declare war; and what American can doubt, or does doubt, the ultimate result of war, if we are so unfortunate as to have war?

Will it not result in the absolute freedom and independence of the people of the Island of Cuba? Unquestionably so; for we expect to prosecute a war to triumphant success, if we are driven into one.

So, therefore, I say, upon authority, in strict consonance with the rules and principles of international law, it is the duty of the Government of the United States, as well as the right and privilege of this Government, now, at this very moment, when we pass a resolution to intervene, to recognize the independence of the people of that island.

Mr. President, I now wish to speak of the resolution which the minority of the committee favor. The minority of the committee are not satisfied simply to recognize the independence of the people of that island. We want to recognize also, and we appeal to Senators in this Chamber to stand by us in that proposition, the government set up by the insurgents, referred to by the President in his message as the "so-called" Cuban Republic.

We think this government ought to be recognized in the first place, because if the people of Cuba are free and independent, as we have agreed unanimously in the committee they are, who made them free and independent? Did they become free and independent acting as a mob? exerting themselves in a state of anarchy? without any political organization? No! Such wonderful achievements as stand to their credit we all knew could not have been accomplished without concert of action, without political organization, and they had it in the Republic of Cuba. That was their civil government, to which the military force commanded by Gomez is subordinate.

Mr. President, there are a great many other reasons why we should recognize that government.

We ought to be willing to recognize it because of its form and character. It is a republican form of government. It is a government based on a written constitution, in which the several departments of the government are established and the powers of the various departments and officials are prescribed. It has a legislative, an executive, and a judicial department. The legislative branch of the government is elected by popular vote. In Cuba, under this constitution, they have universal suffrage. Every man or woman who owes allegiance to the Cuban Govern-

ment has a right to go to the ballot box and be heard in determining what the government shall be as to the personnel of its officials. The house of representatives, elected by the people in this manner, selects the president and vice-president and the cabinet; and what character of government have they selected? Let me call your attention for a moment to the character of these officials.

I have heard that government referred to here as though it were made up of a lot of inconsequential nobodies. I say, without attempting to disparage anybody, the president and vice-president of the Cuban Republic, for intellectual strength and power and vigor, for high character, for unquestioned ability, for statesmanship, will compare favorably with the President and Vice-President of the United States of America. Than Bartolome Masó there is no more accomplished gentleman, probably, on the Western Hemisphere; a man of large means, a man of large experience in public affairs, a man who—and I mention this to show his character—when the war broke out called in all his creditors and paid every one of them in cash the full sum owing, then turned over the keys to his tenants and departed for the field. He is now president of that republic, after having served two years as vice-president under Cisneros, recently elected as such by the general assembly chosen by popular vote.

With this distinguished president is associated in office as vice-president Dr. Domingo Mendez Capote, who was professor of law in the Havana University for years before called to this position.

Mr. President, what has this Cuban Government done? It has been stated here that it is a paper government. That is true: it is a most excellent paper government, but it is a most excellent actual government as well. There is in the island of Cuba, instituted by this paper government, a postal system which is carrying the mails to-day throughout the island into every fortified city, as well as throughout the territorial parts of the island. You can go to New York and deposit with the junta a letter addressed to anybody, in any place in Cuba, with a Cuban postage stamp attached, and it will find its destination just as surely as a letter deposited in a United States post-office will reach its destination within our territory. They not only have a postal system, but they have a fiscal system—a fiscal system which has provided tax collectors for the government throughout all that island. Each and every man is required to pay precisely alike, and when the subtreasurer of that government, appointed at New York, was before the committee a few

days ago he showed us in his books where more than $470,000 collected by these tax collectors throughout that island had been transmitted to him as revenues of that government, every dollar of which had been collected by the officials of the Republic of Cuba, and for every dollar of which an official receipt had been given.

They have, in addition to their postal and fiscal system, a school system more creditable than any established by Spain in any place in the world. They have a compulsory system of education. Every child between certain ages is required to attend school. They have a public printing press at their capital (of which I shall speak in a moment), where, by the government, school books are printed, and by the government distributed to the scholars throughout the island. All are educated according to a system of the government, a system established and conducted by the government and the representatives of the government.

Ah, but, some one says, it has no fixed capital.

The Cubans do have a fixed capital. It is located at Cubitas. It has to be at times somewhat peripatetic, going from this to that place, but never removing any very great distance. They have public offices, the presidential office, the office for each of the secretaries. In those offices the business of the republic is conducted. There, in those offices, the archives of the nation are preserved, and I can say here, in passing, that in the office of our own Secretary of State are the official communications of the officials of the Republic of Cuba, and they are as creditable as any that have come from any country on the globe—communications of marked ability.

But, Mr. President, there are other reasons why that government, which I have undertaken to show does in fact exist, should be recognized. We should recognize it, if for nothing else, as a war measure. I do not doubt that intervention by the United States will mean war with Spain. We are bound to assume that it will. That being the case, we should, hand in hand with intervention, adopt this other resolution, recognizing not only the people, but the government also as independent, to the end that we may strengthen those who are our natural allies and who can do more for us than anybody else.

Gomez has now in the field, as I said a while ago, some 35,000 or 40,000 men. He would have many thousands more if he had guns and ammunition for them. The very moment the United States intervenes and recognizes the independence of that republic Gomez can swell that army from 35,000 or 40,000 to 50,-

000, 60,000, 80,000, 100,000 men, and all we will have to do is to put guns and ammunition in their hands and they will speedily evict the Spanish battalions from the island of Cuba. If we will only with our navy blockade the harbors, so that they can take no more provisions in, the Cubans will speedily put an end to the war, and there will be no necessity for this Government to expose our troops to the ravages of yellow fever and the other difficulties and disadvantages that would attend a campaign in that island in the rainy season.

But, Mr. President, there is another reason still why this proposition should be incorporated into these resolutions. It is the reason why, in the original draft of the resolutions, I incorporated it. I put in there, and propose to put it back in there if I can, a declaration that the Republic of Cuba should be at once recognized by the Government of the United States because of the legal effect that would result if we did not do that. I hold that it is well settled as a principle of international law that if one country absorb another it takes not only the legal rights and advantages of that country, but it takes also the obligations of that country. We have all been told by the newspapers and otherwise—I have never seen any contradiction of it, and therefore I have assumed that it is true—that the revenues of Cuba have been, by solemn enactment of the Spanish Government, pledged to the payment of the principal and interest of $400,000,000 of Spanish-Cuban 4 per cent. bonds.

Mr. President, what will be the consequence to this Government if we go down into that island treating them as in a state of anarchy, turning our back on Gomez and his government, denying that there is any government, banishing Spain from the island, taking possession of the territory, and appropriating the revenues either to ourselves or to "a stable" government that the United States of America through the President is to establish in that island? What would be the consequence? We would take the rights and privileges and advantages attaching to the territory, and we would take the debts fastened on it also, just as if you buy a piece of property that is mortgaged, you take it subject to the mortgage and must pay the mortgage or lose your property. That is the legal proposition that I assert. I am not going to stop here to read authorities, but I will do so if it should be challenged.

STEPHEN B. ELKINS [W. Va.].—If Gomez takes the island what will become of the mortgage?

SENATOR FORAKER.—It does not make any difference to us what happens if Gomez takes it; but I will tell you what will

happen. If Gomez takes the island by revolution the whole obligation is wiped out, for those who successfully revolutionize start anew, as revolutionists have started anew from the beginning of the world, except only as to obligations which they themselves might create.

SENATOR ELKINS.—If we should take the island by war, would not those obligations be wiped out as well?

SENATOR FORAKER.—I cannot discuss every kind of a question that a Senator by an interrogatory may seek to put before me, especially not when in the very next breath he will refuse, or, at least, evade, to say whether he wants this Government to acquire that island by conquest or not.

I say here, as a principle of international law, if the United States Government goes down there and drives Spain out and puts somebody else in, forming "a stable government" of her making, that "stable government" will become responsible, and the United States of America will become responsible. The United States of America steps in behind four hundred million of Spanish-Cuban 4 per cent. bonds. You do not admit the proposition. It is possible that it is open to some debate. I will concede for the sake of the argument it is. But who holds these $400,000,000 of bonds? I understand they are held largely in Germany, largely in France, and largely in the United States.

Does anybody imagine, Mr. President, if we should go into Cuba and there establish a stable government for which we would be responsible, that the present Emperor of Germany would hesitate one moment to say to the people of the United States, "You have taken by conquest the revenues that Spain had a right to pledge and did pledge to pay the principal and interest of bonds due to my subjects, and I will now look to you?" Does anybody doubt that he would do it?

Treating it as a practical question, do you suppose that the rulers of Germany, France, and other countries whose subjects are interested as holders of these bonds would hesitate to call us to account? I do not hesitate to say they would, and then we would have other and far more serious complications. I want to avoid them.

If we recognize the independence of the Republic of Cuba that liability is avoided. We absolutely estop everybody from making such a demand upon us; we take no responsibility. Those people, according to our resolutions, have already accomplished their independence without any help from this country, but rather in spite of all this country has done to patrol our coasts in the interests of Spain. They are already in a

situation where they can set up their government, and all we do in going there is to recognize the existence of that government and act with our natural allies.

Ah, but says somebody, when you go there, if you recognize the existence of that government, you are compelled to report to Gomez, and there will be a question at once between General Miles and General Gomez as to who should command. If there be any government in the island of Cuba to-day it is either the Spanish Government or it is the Republic of Cuba, and when General Miles goes to Cuba I would rather have him report to General Gomez than to General Blanco.

Mr. President, I have not at any time had any trouble in my mind about independence and intervention, but I have had this kind of a trouble in my mind: The trouble has been whether it should be independence and intervention or independence and a declaration of war outright. I think, logically speaking, it ought to be a declaration of war, and I would be standing here arguing for such a declaration if I were not of the opinion that armed intervention will give us an opportunity to suitably punish Spain for the destruction of the *Maine* and 266 of our officers and sailors. [Applause in the galleries.]

We have been told, Mr. President, that the board of inquiry appointed by our Government by its report has estopped us from such a declaration. I dispute it. It is true that the board of inquiry found that they could not tell what person or persons were responsible for that disaster, but the context shows that in that connection they had reference only to the question what person or persons pressed the button that sent the electric current on its fateful mission; and that, Mr. President, is immaterial in the light of the other facts unequivocally found by that board of inquiry.

No, it is an absolute absurdity, it seems to me, for us to imagine that the submarine mine that destroyed the battleship *Maine* was anything else than a governmental implement and agency of war. Suppose, for illustration, instead of that ship being destroyed by a submarine mine, as she was, she had been sunk by a shot fired from Morro Castle, under the guns of which she was buoyed. Would any Senator in such instance imagine that there could be any question about that piece of artillery being a governmental agency and implement of war? Would anybody stand up and question that it was a governmental agency under the control of government officials, and that the Spanish Government could be held liable by us for the result of the discharge of that gun as a hostile act of war?

Mr. President, the gun was not any more a governmental agency than this mine was. The gun was not any more under the control of the government than this mine was. The gun was not any more subject to governmental control and to be discharged by governmental agencies than was this mine.

But, if it had been the case of a discharge from a gun, what would Spain have done? Why, the whole world would have recognized that we were bound to assume that it was an act of war. Spain would have recognized it. How could she have escaped from the consequences? Only in one way, and then she would have remained liable for all damages that occurred. She could have escaped from the conclusion that it was an act of war by immediately disavowing and immediately establishing by incontrovertible proof that it was an accident, if such a thing were possible.

Mr. President, the same rule that would apply in the case of the gun does apply, and did apply, in this instance. And, Mr. President, the significant thing is that Spain admitted by her conduct that it applied. What did Spain do? Instantly she disavowed, just as she would have done in the case of the gun, and instantly sought to establish her innocence by proving that it was an accident.

No wonder, Mr. President, that she seized upon the theory that it was an accident when our own Government was everywhere proclaiming that it was an accident. She sought to establish that it was an accident; she pitched her defence on that proposition; she took her testimony; she made an official report. It is before the Senate. She finds in that report that the *Maine* was destroyed, not by an external agency, but by an accident, by the explosion of one of her magazines.

Mr. President, that report is a lie to the living and a libel upon the dead. It is on its face absolutely and conclusively false. There is one circumstance that will forever keep it branded as such—the present condition of the keel plates absolutely wrecks and destroys her whole defence as completely as the *Maine* was destroyed by her submarine mine. What is the result? The result of it is that Spain stands to-day convicted by her own effort at defence, convicted in the presence of the nations of the earth, of that hideous and cowardly crime.

What is our duty in view of it? Mr. President, we owe it to the brave men dead to vindicate their reputations from the brutal charge that they died of their own negligence. We owe it, Mr. President, to the splendid record of the American navy to preserve it from the tarnish that is sought to

be put upon it. We owe it, Mr. President, to our own good name among the nations of the earth that the perpetrators of such a cruel outrage shall not go unwhipped of justice.

It is not morality, it is not Christianity, it is not religion, it is not common decency, it is not common sense, but only a maudlin sentimentality to talk in the presence of such circumstances and facts about the horrors of war. War is horrible, always to be deplored, and ever to be avoided if it can be avoided consistently with the dignity and the honor and the good name of the nation. But, Mr. President, much as war is to be deplored, it is a thousand times better to have it in a case like this than to be written down before all the nations of the earth as pusillanimous—as wanting in pluck and courage.

Yes, Mr. President, business interests may be interfered with, loss of life may occur, all apprehended evils may result, but, no matter what the cost, in the presence of this great commanding duty we must go forward. The time, I repeat, for diplomacy has passed. The time for action has come. Let the doubting, the hesitating, the opposing go to the rear, while the virile, strong-minded, patriotic, liberty-loving masses of the American people, coming from all the sections and all pursuits and avocations of life, rally as one man around our gallant army and navy, and, taking the flag of our country, carry it on to triumphant victory. [Applause in the galleries.]

A victory, Mr. President, for civilization over barbarism; a victory for the right and capacity of man to govern himself; a victory for the Western Hemisphere; a victory for Cuba; a victory for freedom and liberty and independence; a victory worthy of the descendants of the heroic men who achieved our own independence, and worthy of the successors of those heroic men who have since preserved and perpetuated our priceless heritage. [Applause in the galleries.]

Eugene Hale [Me.].—I offer as a substitute for the pending resolution what I send to the desk, which I ask may be printed and go over with the joint resolution. It is proposed to strike out all after the resolving clause and insert:

> The President is authorized, directed, and empowered to intervene at once to restore peace on the island of Cuba, and secure to the people thereof a firm, stable, and independent government of their own, and is authorized to use the army and naval forces of the United States to secure this end.

Henry Cabot Lodge [Mass.].—Mr. President, I think there is one point on which all men in this country are agreed to-day

no matter how they may differ on one proposition or another, and that agreement is that this situation must end. We can not go on indefinitely with this strain, this suspense, and this uncertainty, this tottering upon the verge of war. It is killing to business.

It is ruinous to our people in a thousand ways. It is discreditable to our Government and our country. If we are not to take action in regard to Cuba in order to bring this situation to an end, then let us stand up in the face of the world and say that we wash our hands of the whole affair; let us say that we will not intervene to save the starving, to put an end to hostilities, and that we will turn the case of the *Maine* over to a referee. If we are not prepared to do that, then let us act the other way. But, whatever happens, let us end this state of unendurable suspense. That, I believe, Mr. President, is the one great desire of the entire country.

The President has submitted this momentous question to the Congress of the United States. In his hands are placed by the Constitution all the diplomatic functions of the Government. He alone can address foreign powers; he alone can carry on correspondence through his ministers and officers. Congress has no diplomatic functions whatever. The President has told us that diplomacy is exhausted, and he has handed the case over to us. What power have we got? We have but one, Mr. President. The Constitution gives to Congress—I mean to both Houses constituting the entire Congress—but one power in relation to foreign countries—the last great weapon in the armory of nations—the war power. And now, Mr. President, when the President comes to Congress and invokes our aid in a controversy with a foreign country and asks us to give him power to intervene, I desire that that great power of war should be given to him in that way.

I am against a declaration of war, but I favor giving the President the power to intervene. I am against recognizing the government of the insurgent republic because the President of the United States, in his high responsibility, has advised Congress strongly against it. I will not myself part from that unity which I consider so much more important than aught else, and differ on that point.

I do not care to argue here the question of recognizing or not recognizing the government of the insurgents. Powerful arguments can be made both ways. We have heard one in the message of the President; we have heard another to-day from the Senator from Ohio [Mr. Foraker] on the other side.

We heard but yesterday in the Foreign Relations Committee the advice of General Fitzhugh Lee, who has conferred such honor upon the United States by the manner in which he has represented this country at Havana, and his advice is that we should not recognize the insurgent government.

Therefore, Mr. President, without arguing that point further, I beg to say that I stand with the majority of the committee and with the President of the United States in opposing the recognition of the insurgent government at this time. It can be done, if necessary, at any moment. The President has nothing to do but to ask Mr. Palma to the White House, and the Cuban republic stands up erect and recognized. We may safely trust that power to the President.

I said, sir, that the President has asked us for intervention. The committee have given it to him. It was not the form of resolution which I personally preferred. I voted for another in the committee. But, Mr. President, what I desired more than any special form of resolution was the unity of action of the Government of the United States in the crisis to which we have arrived. Therefore I voted to bring these resolutions into the Senate; voted to do it with all the other members of the committee. Nor do I think, Mr. President, that there is much use in differing about the words in which we order intervention. We have been wandering too long as a country amid the delusions and snares of diplomacy. Let us now come into the clear light of day and look facts squarely in the face.

When we authorize the President to intervene and use the army and navy of the United States, whether we do it in the language of the message, or in the language of the House of Representatives or in the language of the Senate resolution, we create a state of war. Let us not deceive ourselves at this solemn hour. Forms of words are of but little moment in a crisis like this. It is the great central fact that concerns the people to-day. The President has asked us to mail his arm to strike with the army and the navy of the United States; to authorize him to go down into Cuba and enforce the pacification of the island. He has asked us to authorize him to set up a government there which shall be a stable government, and a government "capable of observing international obligations." I quote the President's own words.

What kind of government can alone observe international obligations? Only an independent government, Mr. President. Therefore the President of the United States asks us to authorize him to use the army and the navy to stop the fighting in Cuba

and establish an independent government in that island. How can there be an independent government in Cuba while Spain is there? It is an impossibility. The recommendations of the message mean that Spain must leave that island, and I for one think that if that is the purpose of the message, as it clearly is, there is no harm and much good in telling the truth. If we intervene, we do not go there to take Gomez by the throat and make him stop fighting. We go there to put Spain out of that island, for in no other way can we create a government capable of observing its international obligations.

They say we can not go to war about the *Maine*. Perhaps not. We are told that it is an incident. So be it. It is the outgrowth of the conditions in Cuba; it is the outgrowth of that Spanish rule; it is the outcome of that Spanish war, and it calls upon us to end the causes that made it possible. The men who were hurled from the sleep of life into the sleep of death call upon us from their graves to root out forever the causes which made their slaughter possible.

We are told that we must not go to war on the narrow ground of revenge. Revenge is an ugly word, although Bacon tells us that it is nothing but wild justice. No, not revenge; but we must have reparation for the *Maine*. We can not, as a nation, belittle that case or refuse to demand a great and shining atonement for our dead sailors. If we allow that to drop aside, to pass away into an endless tangle of negotiation and law and discussion, we are lost to all sense of brotherhood; we are lost to all love of kith and kin; our uniform will no longer be an honor and a protection; it will be a disgrace and danger to wear it.

Your men on your ships are sullen to-day because they think that the Government is not behind them. There are mutterings among the men who wear your uniform because they think you have not striven to redress the awful slaughter of their comrades. You must maintain the honor of the uniform and of the flag under which the men died. Surely, there never was a more righteous cause than this for any nation to ask for justice. That gigantic murder, the last spasm of a corrupt and dying society, which carried down our ship and our men, cries aloud for justice.

Mr. President, I care but little what form of words we adopt. I am ready to yield my opinions to those about me in Congress. Still more ready am I to defer to the wishes of the Executive, who stands, and must stand, at our head; but I want now to arm that Executive with powers which shall

enable him in the good providence of God to bring peace to Cuba and exact justice for the *Maine*. [Applause in the galleries.]

On April 14 George F. Hoar (Massachusetts) spoke to the resolution.

Born and bred in a cold latitude, I would rather approach this grave occasion in the spirit of that captain who led the company of the people of my own birthplace to the bridge in the morning of the Revolution, when he said, "I went into that battle with the same seriousness and the same sense of responsibility to God with which I am accustomed to go to church." If, in the providence of God, this country is called upon to do a great act of international justice, let us do it in the spirit of justice, and not in the spirit of vengeance.

The other day one Senator cited us, as if he liked it, the utterance of the Scripture, an eye for an eye and a tooth for a tooth. The Saviour cited it only to disapprove it and to give us a new commandment and a better doctrine.

I am not one of those, either, if any there be, who would seek to divide and not to unite the people of this country. If we are to enter upon a course of action where we receive the sympathy of the civilized world, let us not begin by reviling each other.

Mr. President, I regret, speaking for myself, that any Senator feels it to be his duty to indulge in harsh criticism of the President of the United States. What the President of the United States does in diplomacy the people of the United States do. There is no other means of knowing the opinion, purpose, conduct, character of the American people under our Constitution, so far as that is expressed in our diplomatic and international action, than by studying and seeing what the accredited agent of the American people, the Executive, has done, just as there is no mode of determining what the American people do or mean to do or desire to do in legislation but by the legislative enactments passed through their constitutional agencies.

What the President of the United States did the United States did in the face of mankind, and what the President of the United States refrained from doing the American people refrained from doing in the face of all mankind. For one, I approve him alike in what he has done and said and in what he has refrained from doing and saying. I like the President's holding back and striving with all his power for a peaceful

solution of this business. I like his holding out for peace so long as there remained a hope that peace could be had with honor.

Mr. President, do gentlemen, when they criticize this brave American soldier's love of peace—and every brave American soldier from the beginning of our history has been a lover of peace—reflect what war is and who it is that suffers by it? The persons who suffer by modern wars are not the men who provoke them or the men who are guilty of the causes to which they owe their origin. Every modern war is an additional burden on the poor man, the laboring man, the plain man, while the glory is reaped by a few officers and the profits by a few stock jobbers and contractors.

It is not even the guilty Spaniard who is primarily to suffer by the terrible punishment which we are expected to inflict upon Spain. It is not the Weylers or even the Sagastas or the Blancos. It is the poor peasant whose first-born is to be drafted into the military service, never to return or to return a wreck. It is the widow whose stay is to be taken from her, who is to get no share of the glory, but only the full of the suffering. This war, if it be to come upon us, is to add a new and terrible burden, even if it be confined within the limits to which we hope it may be confined, to the already overburdened and suffering peasantry of Europe. The results of a great war are due to the policy of the king and the noble and the tyrant, not the policy of the people.

Every child upon the continent of Europe to-day was born with a mortgage of $350 about his little neck and an armed soldier riding upon his back. So, while I agree, as will be seen before I finish, that war may be necessary, and it may be necessary now, yet I can not myself agree with my honorable friend the Senator from Mississippi [Mr. Money] when he said so lightly that he thought it was a good plan to have a war once in a while, that it prevented the dry rot of prolonged peace. A nation is made up of human homes, and the glory of a nation and the value of its possessions are in its humble homes. I do not agree with the Senator who thinks that a home is made better by the loss of its boys or the crippling for life of its head.

I do not like what follows war. I do not like the piling up in this country of thousands upon thousands of millions more of our public debt. I have not read history like the Senator from Mississippi in a way to lead me to think that war is ever a purifying process. The seasons which follow great wars, either

in this country or elsewhere, are times of debts and jobs and disordered currency and popular discontent. The periods that have followed the great wars are the worst periods in history. If we enter upon this war we are to subject our ships to many disasters like that of the *Maine* and our soldiers to pestilence and yellow fever. The destruction in the soldier who survives of the capacity for the rest of his life for the works of peace is a not insignificant result even of the best and most necessary war, to say nothing of the increase of the debt and of the pension list.

On the other hand, I have no patience and I have no respect for those critics who find in the conduct and action of many of my associates and friends on this floor what they are pleased to term a spirit of jingoism. The spirit which has inspired, without an exception, the impassioned and zealous speeches to which we have listened is the spirit of an honorable indignation at a great wrong and an honorable resentment for a great insult, and I believe these gentlemen who think, as I do, that the time has come when the armed forces of this nation are to be summoned to assert themselves have been guided certainly by quite as patriotic a spirit as I claim to be guided by myself, whether I agree with them in all their conclusions as to the detail of action or not.

But I was saying, Mr. President, that I like and thank President McKinley that he has, as far as he could and as long as he could, held back the impatience of the American people. President McKinley and those who love him and stand by him need not be at all disturbed lest his fame may suffer in the eyes of humanity and the eyes of posterity by the caution and wisdom with which he has proceeded. The great events in our civic history and the great names in our civic history are those which are connected with the sublime self-restraint with which the American people has contained itself in the presence of great wrongs and of great provocations. It is true, also, that these civic glories have more than once crowned the brows of great soldiers and warriors.

Have we forgotten that the same kind of speeches which the Senator from Washington permitted himself to utter—have we forgotten that the same kind of objurgation and contumely was hurled at the head of George Washington at the time of Jay's treaty, when he held back the indignant people of the Republic from entering upon another war with England? The fame of Washington is represented and typified by the loftiest of monumental structures as it rises in its severe and

stainless beauty over the streets of the capital. Where, Mr. President, are the graves of his critics?

Mr. President, I am old enough to remember some of the tempests of popular excitement in Congress and out. I think there are Senators here who remember the cry of "On to Richmond! On to Richmond! On to Richmond!" and the denunciation by honorable and zealous patriots of what they described as the cowardice and treachery of Abraham Lincoln. I think people like to remember Abraham Lincoln's counsels in those days, and those of us who sit on this side of the Chamber wish we could forget Bull Run.

You remember, Mr. President, the sublime patience with which we waited after the French invasion of Mexico until the time at last came, and Mr. Seward spake and the Frenchman got out. You remember, my colleague [Senator Lodge] cited it yesterday, the impatience of some good men at our dealing with the Trent affair, and my colleague cited the lines of Mr. James Russell Lowell:

> Ef I turn mad dogs loose, John,
> On your front parlor stairs,
> Would it jest meet your views, John,
> To wait an' sue their heirs?

I wish to remind my honorable colleague, with whom I suppose I am so fortunate as to agree as to everything of substance relating to this political crisis, that we did not take the advice of Mr. James Russell Lowell on that occasion. We took the advice of Abraham Lincoln, and William H. Seward, and Charles Sumner, and John Andrew, and, on the whole, we came out about as well.

Mr. President, some of us remember President Grant's dealings with the same sort of conditions that we have had to deal with in the island of Cuba in the last two years. I came first into public life just as that matter was going on. We did not throw law books at each other's heads in those days in the House of Representatives, but there was quite as much angry speech for the President as we have heard in either House of Congress within a few days. But the great fame of Ulysses Grant shines in the sky like a star, and the conduct of that affair is one of the brightest and strongest of his claims to the gratitude and affection of the American people.

I think it is perhaps because I am getting old and thin blooded and losing my pluck in these matters. But, somehow or other, I like, when I read the history of the Republic, to

read the story of these sublime self-restraints, for which those men who hate popular government think a great and free people are incapable.

Do you remember how we submitted year after year to the fitting out in England of the warships which drove our commerce from the seas till, at last, one morning, Mr. Adams, having discovered that the rams were about to go out from Laird's shipyard, wrote a letter to Lord John Russell expostulating? Lord Russell replied that he had consulted Her Majesty's ministers and really they did not think they could do anything about it. Mr. Adams, when the time came, replied in a single sentence, which, to my taste, is the most sublime utterance in American literature: "It is superfluous to observe to your lordship that this is war." And the rams were stopped in an hour.

I also agree with the President of the United States in his refusal to recognize belligerency up to this time. I do not agree with my honorable friend from Ohio [Mr. Foraker], who thought the result of that was that we policed our shores in the interest of Spain. That recognition of belligerency, in my opinion, would have simply given Spain the right to search our ships; would have released her from responsibility for actions like the destruction of the *Maine*, unless they could be traced affirmatively and clearly to her, and would have done the insurgents no sort of good whatever.

Mr. President, what has been the result, what is the result to-day, of the conduct of this matter by President McKinley so far? I have not time to go, as I should like, into a full discussion of this matter, but I wish to read one testimonial only.

I read, Mr. President, from the New York *Sun* of April 5.

"The delay thus far," says this organ of the cause of liberty in Cuba, "has served the cause of the right. It has given time for military and naval preparation for decisive action. It has consolidated public opinion and put the nation behind the President in his constitutional capacity of commander-in-chief of the land and sea forces of the United States. It has permitted the escape of some of the vapor that precedes deliberate and calm action in an affair of momentous importance. It has likewise enabled the President to exhaust, as it was his duty to employ and exhaust, the resources of diplomacy in order to bring about, if possible, an honorable and satisfactory settlement without resort to arms."

There is another result which has come from this diplomatic action and this striving to keep in the paths of peace. We have, what we never have had in any international conflict

before, largely the sympathy of all foreign nations and almost wholly the sympathy of that nation on earth which is alike the freest, the most powerful, and the most nearly allied to us by language, history, and blood.

I also desire to express my full and hearty concurrence with the President of the United States when he advises against the recognition of the insurgent government, if it be a government, now. Consul-General Lee says he has never thought the insurgents had anything but the skeleton of a government. I will not repeat the citations from international law and from the utterances of our statesmen and department of foreign affairs throughout the whole of the other Spanish conflicts in the Spanish-American countries which I have had occasion long ago to cite.

I affirm that to recognize that people now can not be done without disowning our whole history, without declaring that England was right and that we were wrong in the great controversy as to her conduct in the time of the rebellion, where there were eleven States, with a constitution, with courts, confederated into a republic; and yet we claimed, and England yielded, that she had no right to recognize their independency. We can not recognize that independency, as I say, without flying in the face of our whole diplomatic history. Before this discussion is over it may be desirable to return to that particular point again.

Gentlemen cite the precedent of France in the time of our Revolution. France did not pretend or claim that that recognition of the independence of the United States was anything but an act of war. She was hardly at peace with England. Before she had been driven off the continent of North America by the genius of Chatham and the military prowess of James Wolfe, and she had sat, sulky and angry, biding her time during twelve years of hollow and treacherous truce, and when the time came France hastened to throw her weight into our scale.

Mr. President, we want to gain and we want to keep in this struggle into which we are about to enter the sympathy of the civilized world, and we can only keep it by maintaining the pathway marked out for us by the law of nations. If we depart in dealing with Spain from the accepted traditions and rules of international law, especially if we depart from those rules which we have affirmed over and over again during our own history, we can not blame them if they shall sympathize with Spain for departing from them also. If we put the issue on any doubtful ground, we make the cause of Spain the cause

of every European government that has got a colony in another continent or in an island adjacent to another continent. We do not need to be departing from the rules of international law. What we have in hand we shall know how to do lawfully and effectively.

Another thing. Senators talk about recognizing the insurgent republic. Is that insurgent republic the people of Cuba? The Senator from Ohio [Mr. Foraker] and, I believe, the committee in their report, both state the number of the people of Cuba who sympathize with the insurgent government. The committee states it as a third of the people of the island, and the Senator from Ohio stated it at 400,000. Now, although we may all sympathize, as we all do sympathize, with the gallantry of those insurgents, with the courage and leadership of Gomez, with the endurance and the devotion which are willing to give life and everything which makes life dear for the liberty of Cuba, by what right can you stand in the face of the nations of the earth and say that you will recognize as the lawful government of Cuba a community which the Senator from Ohio, in some sense the organ of the committee, and the chairman of the committee in his report tell us amounts to but a third of the inhabitants of that island?

Mr. President, there is another matter in which I do not agree with the honorable Senator from Ohio [Mr. Foraker]. I do not believe that the man who enters a house to put out a fire becomes legally responsible for every mortgage on the house, and I do not believe that a policeman who enters a disorderly house to subdue a riot or a fight, even if he has to take the proprietor into custody, becomes liable for every debt which the proprietor may have incurred. I do not think if we take Spain into custody, if we put her off the island of Cuba neck and heels, that we are in the least responsible for any mortgages she may have undertaken to put on the island.

William E. Mason [Ill.].—I wish to ask the Senator, after a man who enters a burning house has extinguished the fire, if he sets up ownership and says he will decide who shall run the house thereafter, whether he does not then incur responsibility?

Senator Hoar.—Nobody proposes to set up ownership and to prescribe who shall run that house hereafter.

Mr. President, I expect to vote for the House resolutions, unless I should have an opportunity to vote for the resolution of the honorable Senator from Colorado [Henry M. Teller]. That leads to war. There is no doubt about it. It will lead to the most honorable single war in all history, unless we except

wars entered upon by brave people in the assertion of their own liberty. It leads to war. It is a war in which there does not enter the slightest thought or desire of foreign conquest or of national gain or advantage.

I have not heard throughout this whole discussion in Senate or House an expression of a desire to subjugate and occupy Cuba for the purposes of our own country. There is nothing of that kind suggested. It is disclaimed by the President, disclaimed by the committee, disclaimed by everybody, so far as I am aware. It is entered into for the single and sole reason that three or four hundred thousand human beings, within 90 miles of our shores, have been subjected to the policy intended, or at any rate having the effect, deliberately to starve them to death—men, women, and children; old men, mothers, and infants.

If there have been any hasty or unwise utterances of impatience in such a cause as that, and I think there have been, they have been honest, brave, humane utterances. But, when I enter upon this war, I want to enter upon it with a united American people—President and Senate and House, and navy and army, and Democrat and Republican, all joining hands and all marching one way. I want to enter upon it with the sanction of international law, with the sympathy of all humane and liberty-loving nations, with the approval of our own consciences, and with a certainty of the applauding judgment of history.

I confess I do not like to think of the genius of America angry, snarling, shouting, screaming, kicking, clawing with her nails. I like rather to think of her in her august and serene beauty, inspired by a sentiment even toward her enemies not of hate, but of love, perhaps a little pale in the cheek and a dangerous light in her eye, but with a smile on her lips, as sure, determined, unerring, invincible as was the Archangel Michael when he struck down and trampled upon the Demon of Darkness. [Applause in the galleries.]

Charles W. Fairbanks (Indiana) declared that the seemingly opposing views of Senators on the question were practically the same.

One contention is that we shall first recognize the independence of the present Cuban Republic and then intervene with force to sustain it; while the opposite contention is that we shall intervene with force and then acknowledge the independence of the present republic, if, when in possession of adequate in-

formation, its recognition is proper; and if it is not a proper government to recognize, then that we shall recognize some republic which the patriots of Cuba may deliberately form. Such is the divergency of our views, though we are seeking to attain the same end.

Is there subtlety enough here to measure the difference in our obligations—our international liabilities under these two methods? Mr. President, I am free to confess that I am unable to see why our ultimate responsibility would not be the same in the one case as in the other. The final end is the same, though the processes are slightly different. It seems to me that the substance of our act must control, and not the mere form. Haste, sir, in this vital matter is not of the essence of the situation; correct conclusions, sound and stable results, should be our sole and only aim.

But, Mr. President, no liability will rest upon us whichever method we pursue. Spain has, by her course, which it is unnecessary to review in this connection, forfeited her right to further dominion over Cuba or its revenues. If the revenues were ever pledged to the satisfaction of a series of Spanish bonds, such pledge was necessarily subject to the forfeiture of the island for the violation of those humane principles and precepts which are observed by the civilized nations of the earth.

Sir, the rights of humanity are superior to the rights of bondholders. We violate neither the law of nations nor incur the burdens which rest upon Spain by our act of recognition either before or after intervention. If our act is warranted by the considerations of humanity, no bondholder can be heard to complain.

When the bonds were taken under a specific pledge, they were taken upon the implied understanding that the pledgeor would observe its international obligations according to the standard of civilized nations. The bondholder was presumed to know that a violation of those obligations would work a forfeiture of the estate and the dispossession of the sovereignty of the obligor. The bonds, sir, were taken subject to a condition, and that condition was the proper observance and practice of the rules of humanity, the faithful discharge of international duties. The condition, sir, has been broken.

All efforts at amicable solution have failed, and all that remains is to invoke the mighty power of this Government in behalf of enduring peace and imperiled humanity. We shall now have the satisfaction of knowing that, come what may in the lottery of war, we have left undone nothing which could

be done consistently with honor to secure a pacific settlement. The Spanish flag must be withdrawn and cease forever to contaminate the air of this hemisphere. To the high and holy cause of humanity and the vindication of our national honor we dedicate the lives and fortune of the Republic.

John W. Daniel (Virginia) spoke on April 15.

Mr. President, there are three sources under our Government thus depicted with a pencil of light from which recognition may be derived. The one is through the action of the Executive in an appropriate case presented to him. The second is in the action of the Executive and the Senate by treaty in an appropriate case presented to them. The third is by vote of the Senate and House of Representatives under the veto power of the Executive and under the constitutional prerogative to pass laws. We invoke the most august of all these powers to recognize the independence of the republic of Cuba. It is the Senate and the House and the Executive acting as one.

Not only will the recognition of the Cuban republic clarify a muddy situation. It ought to be predicated, however, upon the germinal, bed-rock ground of right. If they are a free and independent state, that state must have the inalienable right to determine its own form of government; and the determination by a free and independent people of who their executive is and of who their authority is is a conclusive determination binding by international law upon all other governments in the world. Would we permit in this country any nation on the earth to determine who were our Congress and who our President? When the nations of the earth recognized either the people in their scattered and individual capacity or the nation in its unity or the country in its integrity as free and independent, the rest went as matter of logical and necessary consequence. I would say that it went to-day as a matter of logical and necessary consequence if I did not see the strange spectacle on this floor of men proclaiming the one and stating doctrines in the same resolution or in speeches in support of it which imply the other.

Mr. President, I believe that the recognition of the Cuban republic is at this juncture necessary and expedient to the United States as a peace measure and as a war measure. If the army of Gomez and the people whose homes and firesides have furnished it are made at once the comrades in arms, the friends, the allies, the recognized freemen like those of the United States, they will owe to us an everlasting obligation. But if we should

turn to them the cold shoulder now, will we not inspire them with suspicion? They are a suspicious people. They could not have lived under Spanish dominion and been intelligent and not suspicious.

They have been fooled and betrayed for many years by Spain. They have not been accustomed to deal with manly, upright, straightforward, and candid folk who said "enemy" when they meant enemy and said "friend" when they meant friend; and if, after all of our professions which have gone to them upon the voice of the winds from the firesides of the United States, they should see that when the supreme moment came we voted down the recognition of the republic which had been copied in part from us, that we rebuked the ideas of independence through presidential message and through congressional speech, will they not feel, and justly feel, that they have grounds to suspect their alleged new-found friends?

As a matter of war, recognition is essential. If an American army should go to Cuba, Gomez will be ready to welcome them, and there will be no American soldier who would not be pleased to coördinate with him in campaigns and to receive his suggestions with respect to them. The distinguished consul-general of the United States [Gen. Fitzhugh Lee], who has so ably performed his part in Cuba as to win golden opinions from all sorts of people, has testified before our committee, and he testified as a soldier educated at West Point, a man of large experience, who has taken part in Indian wars upon the Western plains and who was major-general of cavalry in the Army of Northern Virginia. He said that Gomez has taken the only method to beat Spain which an accomplished and able general could have taken; and are we to say at the very moment when we need his services, at the very moment when he has reached the point of recognition, at the very moment when you are asking the United States to go with him and fight the same enemy, that you will turn the cold shoulder to the general-in-chief whose cause is at last the groundwork of your whole action?

Mr. President, we should recognize the Republic of Cuba to avoid international complications, fiscal, diplomatic, and diverging in all directions. I will not say that I am of opinion that the honorable Senator from Ohio [Mr. Foraker] is correct in stating as a fact that if the United States should go to Cuba without recognizing the republic it would thereby and thereupon make itself liable for any part of the Spanish obligations which have entailed upon Cuba a mortgage of some kind or other as collateral security. But it would leave a question

in our path which might be the source of much international trouble. I believe that the correct doctrine is that a war for independence waged by Cuba, or a war made necessary on the part of the United States for its own peace and safety, would not in any event which is likely to happen entail upon the United States any responsibility for any part of either the Cuban or Spanish debt.

At the same time I can not blind my eyes either to the thoughts or to the plans and schemes of other people. I do know as well as I know anything of which I have no physical demonstration that there are those who fancy that the United States will make itself liable, by pursuing the course recommended in these resolutions, for a whole or a part of the Cuban debt imposed on her by Spain. I say, sir, it is the part of prudence, of forehandedness, of foresight to avoid every question that can be anticipated and to solve every difficulty that may be presented at the first moment when it is realized to exist; and that in order to avoid this complication, in order to silence the suggestion of such a question, in order to destroy the germs of what may become a very fatal financial disease, I would here and now recognize the Cuban Republic as a free and independent nation, and let her profile stand out against the sky separate from the domination or the establishment of the United States.

What cause is it, Mr. President, that this solid, unanimous, native-born population of Cuba stands for? It is for a cause well known in English history. It is a cause which has made the most glorious character and evolved the most glorious principles of Anglo-Saxon freedom and independence. It is the cause for which the brave English people, tied to the traditions of monarchy and loving their sovereign, followed the Ironsides of Cromwell, drove out the Parliament, and laid the head of Charles, the King, upon the block.

It is the cause of just taxation. It is the cause, Mr. President, which made America a free and independent republic. It is the cause which threw the tea into Boston harbor. It is the cause that makes the name of Concord and Lexington ring throughout the world. It is a cause which, for the time being, died on the brow of Bunker Hill when Warren fell, but which will live forever on Bunker Hill and through all America as long as American hearts are true to the proud and germinal traditions of the English-speaking race.

It is the cause for which the august Chief-Justice, John Marshall, of the United States fleshed his maiden sword at the Great

Bridge near Norfolk. It is the cause for which James Monroe bled in the streets of Trenton. It is the cause for which Otis and Adams and Hancock and Henry spoke. It is the cause which of all causes America has ever held, and which she to-day holds, most dear—the cause ever hallowed by the name and leadership of Washington. And that cause upon the island of Cuba has a flag to represent it. It has soldiers to fight for it. It has patriots to bleed, to die, for it, and it has a unanimous population ready to starve and to perish rather than that cause shall fall.

And yet we are told that with a population, white and black, unanimous for a cause, with a population that has cherished that cause for thirty years, with a population which has done acts of heroism for that cause which have commanded the admiration of the world, we can look out toward the island of Cuba, we can see in its harbor the wreck of the American battleship *Maine*, we can see the yellow flag of Spain floating over Morro Castle, we can see the hospital and the dungeon, we can bend in the misery and pity of tears over 200,000 women and children dying, and yet the great United States of America can see nowhere the heroic Cuban army and soldiery who stand for the great cause of liberty and independence!

Mr. President, I will not be driven by committees, I will not be driven by Presidents; I had rather be a political Cuban reconcentrado upon the island of Cuba than be an American Senator and not proclaim the independence and freedom of the brave young Cuban Republic. I would proclaim it with a thought and a prayer in my heart, the one the sententious utterance of Thomas Jefferson, who, in a few words, has summed up all free constitutions, who, in a sentence, has written all declarations of independence, who has proclaimed to the world that "liberty is the gift of God." And as the United States makes that declaration for poor Cuba as she recognizes the youngest heir in the files of time that comes to its God-given inheritance, my heart would lift to heaven with the aspiration of Abraham Lincoln, "I would that all men everywhere might be free." [Applause in the galleries.]

Henry M. Teller (Colorado) spoke on the report of the committee.

Mr. President, I am loath to criticize a committee. I believe that this report, written with great vigor and with great intelligence and indicative of great learning, would have justified the

committee in saying, in view of what we have declared, "Congress should recognize the independence of the Republic of Cuba." I believe that that was the first intention of the committee, and that is all I think perhaps I ought to say with reference to it, except that I regret the committee did not come here with a resolution in accordance with the declaration they made of the state of facts which we all know exists.

Now, I wish to take a moment, and only a moment, for I do not intend to detain the Senate at any length with my remarks, to call attention first to the joint resolution reported by the committee:

> That the people of the island of Cuba are, and of right ought to be, free and independent.

That is a proposition to which I agree. They can not be free and independent without an organization. With all deference to the committee, when they come here and talk to me about the independence of the people of Cuba they stultify themselves and, in fact, declare if independence exists there at all there must be a government, for it can only exist under an organized government of some character or kind.

As I said before, if the facts are as stated in the joint resolution, the joint resolution as reported should be amended as proposed by the minority, and we should insert, after the word "independent," "and that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island." I shall vote for the minority amendment. I shall vote for it with the feeling that it will afford relief to the Cubans and that it will save us from much embarrassment in our dealing with this question.

I do not deny the right of the Government of the United States to intervene there with or without reference to the Republic of Cuba, if it exists. As long as Spain denies that it exists and continues her controversy and contest, the Government of the United States may, in the interest of humanity or in the interest of her own people, intervene; but we must intervene, if intervene we do, with a declaration to the world that we are not making, under the pretence of intervention, a war of conquest, that we are not after the island. For the outrage committed upon us, if Spain blew up our ship, we may go to war; we may declare that a state of war exists. That is the first movement. But intervention is not to save our rights or redress our wrongs. Intervention is justified only when such

a condition of affairs exists there that we are in duty bound to remove the cause of complaint.

Mr. President, I want the Senate, before we conclude this debate, to say to the world in the most emphatic manner possible that we do not intend in any way or manner to derive benefit from this intervention. Spain is too weak and too poor to pay indemnity. I want the Senate to say that we do not intend to take that island; that whatever we may do as to some other islands, as to this island, the great bone of contention, we do not intend to take it from the legally constituted authorities of the island as now established.

At the proper time, if no one else does so, I propose to offer some amendment to the joint resolution that shall make it clear to the world that it shall not be said by any European government, when we go out to make battle for the liberty and freedom of Cuban patriots, that we are doing it for the purpose of aggrandizement for ourselves or the increasing of our territorial holdings.

If war comes I would make it so severe that the flag of Spain would be driven from every holding of hers on the face of the earth except the little country she occupies in Europe, and I would say to the allied powers, if they raised a question of intervention on our part, "We will fight the world in arms in defence of the right of the American people to control the affairs in the Western Hemisphere as they think they ought to be controlled." All you need to do is to say it, say it with our Anglo-Saxon vigor, say it with American pluck back of it, say it with 75,000,000 of united people, with the greatest wealth in the world back of them, and the world will stand and consider and they will not put their hand upon us. [Applause from the galleries.]

The resolutions came to a vote in the Senate on April 16. David Turpie (Indiana), following the suggestion of Senator Teller, moved to amend the first resolution so as to read:

That the people of the island of Cuba are, and of right ought to be, free and independent, and that the Government of the United States hereby recognizes the Republic of Cuba as the true and lawful government of that island.[1]

[1] This became famous in the discussion of the Philippines question as the "Teller resolution."

This was agreed to by a vote of 515 to 37. Senator Davis then moved to add a fourth resolution:

That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of the island to its people.

This was agreed to without dissent. The resolutions as amended were passed by a vote of 67 to 21.

Senator Davis then began to move the substitution, *seriatim,* of these resolutions for resolutions which had just come to the Senate after passage by the House. Upon objection by several Senators that this procedure was not according to parliamentary usage, nor courteous to the House, which had the right to concur in the Senate's intention before this was definitely resolved upon, Senator Davis withdrew his motion.

Cuban Independence

House of Representatives, April 13-17, 1898

On April 13 Robert Adams, Jr. (Pennsylvania), of the Committee on Foreign Affairs, to which had been referred numerous resolutions on the subject of Cuban independence, presented to the House the following joint resolution as the report of the majority of the committee:

Whereas, the Government of Spain for three years past has been waging war on the island of Cuba against a revolution by the inhabitants thereof, without making any substantial progress toward the suppression of said revolution, and has conducted the warfare in a manner contrary to the laws of nations, by methods inhuman and uncivilized, causing the death by starvation of more than 200,000 innocent non-combatants, the victims being for the most part helpless women and children, inflicting intolerable injury to the commercial interests of the United States, involving the destruction of the lives and property of many of our citizens, entailing the expenditure of millions of money in patroling our coasts and policing the high seas in order to maintain our neutrality, and

Whereas this long series of losses, injuries, and burdens for which Spain is responsible has culminated in the destruction of the United States battleship *Maine* in the harbor of Havana and in the death of 260 of our seamen;

Resolved, That the President is hereby authorized and directed to intervene at once to stop the war in Cuba, to the end and with the purpose of securing permanent peace and order there and establishing by the free action of the people thereof a stable and independent government of their own in the island of Cuba. And the President is hereby authorized and empowered to use the land and naval forces of the United States to execute the purpose of this resolution.

The minority resolutions were then read:

Section 1. That the United States Government hereby recognizes the independence of the Republic of Cuba.

[Loud applause on the Democratic side.]

Sec. 2. That, moved thereto by many considerations of humanity, of interest, and of provocation, among which are the deliberate mooring of our battleship, the *Maine*, over a submarine mine and its destruction in the harbor of Havana, the President of the United States be, and he is hereby, directed to employ immediately the land and naval forces of the United States in aiding the Republic of Cuba to maintain the independence hereby recognized.

[Loud applause on the Democratic side.]

Sec. 3. That the President of the United States is hereby authorized and directed to extend immediate relief to the starving people of Cuba.

After some determined opposition Hugh A. Dinsmore (Arkansas) succeeded in presenting the report of the minority on its resolutions. This speech is notable for an attack on President McKinley.

The gentleman from Ohio [Mr. Grosvenor], being the friend of the President and supposed to voice his sentiments, says that the President of the United States is in favor of the independence of Cuba. Did he demand of Spain the independence of Cuba? Oh, no; we were made to believe so, but he did not. His minister told the Spanish Cabinet that the President did not demand independence. His Attorney-General,[1] it seems, thought that "stable" was the diplomatic word for independence, and in his message to Congress the President,

[1] John W. Griggs.

to be consistent with his demands upon Spain, only asks that a stable government be given to the Cubans. Oh, the pity of it! Oh, the humiliation to all true Americans! Long and anxiously in this House have we waited for some message or expression from the President of the United States conveying to our anxious ears the glad news that he believed in the independence of Cuba. When did it come? He sent us the message which was read in the hearing of all the members of this House. Notwithstanding the statements which have been made in trying to bolster up that document since, you all know how it fell like a wet blanket upon that side of the House, upon the patriotic men over there whose hearts bled for the suffering Cubans, struggling for the liberties that every American believes every God-born individual has a right to possess.

We offer to you and to the country our substitute for your resolution, and appeal to the wisdom, patriotism, and judgment of our fellow-citizens, and for the rectitude of our intentions, the integrity of our purpose, the justice of our position, to that higher court which must pass upon the actions of all men and all nations,

> Our fathers' God, from out whose hand
> The centuries fall like grains of sand.

[Loud applause.]

Mr. Adams supported the majority resolutions.

Mr. Speaker, I wish to reply to the remarks of the gentleman from Arkansas as to why we do not recognize the present legislative government of Cuba. Mr. Speaker, our country must proceed in order, under the rules of international law, if we wish to preserve our standing among the nations of the earth. Our President has pursued a consistent course. As soon as he entered the executive chair he made propositions to Spain, all of which have been granted. He had not been in office sixty days until every American citizen, native born, or those bearing the official stamp of our courts, was set free to breathe that air of freedom which God meant we should enjoy.

The alleged Republic of Cuba has my sympathy. I believe that the men who have struggled so long to obtain their freedom are entitled to our sympathy, and, if possible, to our recognition. But they must first have a standing, such standing under international law as will justify the executive department of our Government in giving such recognition. The conditions

now do not fulfill those obligations. It would be impossible for our Government to recognize the insurgents in Cuba. The very fact that, if you wish to send an envoy there, you would have to send him by force through the Spanish lines, or you would have to land him on a beach, the same as the insurgents and filibusters have to land their munitions in that country, is enough to show that they have not standing for recognition.

They have not that stable government which is entitled to recognition. They have not power to carry on civil government. They have no capital or permanently located seat of government. They have not a single port in their possession. They have not a single ship on the high seas. They have not a government under civil authority that can enforce its laws.

They are surrounded entirely by the Spanish army. And it is a principle of international law which will not be disputed by any man who knows anything on that subject that until the parent country has practically ceased to enforce its government against the rebellious subjects, no other nation can give the insurgents recognition as a government, because they do not have it as a matter of fact. No man can question that principle of international law. We have fully committed ourselves to it as a nation. No South American republic was recognized by us until years after Spain had yielded all active effort to subdue it.

What is the condition in the island of Cuba to-day? Spain has a large army there. She occupies every seaport. She is still endeavoring to enforce her authority over that island. For this reason the Executive of this country and the Republican members of the Foreign Affairs Committee can not bring themselves to falsify the diplomatic history of our country and place themselves in a position antagonistic to the recognized principles of international law, for the country that dares to do this puts itself beyond the pale of the great family of civilized nations.

Mr. Speaker, having thus stated some of the reasons which actuated the majority of the Foreign Affairs Committee in adopting the action embodied in the pending resolution, let me say a word in conclusion. We stand, as I believe, in one of the greatest and most momentous eras in the history of our country; and as an American representative I want to make a strong appeal to the men of this House without respect to party. When the roll is called and the demand is made upon them to defend American honor and American rights, which have been assailed by the Spanish nation, I ask that one and all rise in their places and cast their votes to show the world, as we did a few weeks ago, that however we may differ upon matters of detail, we are

Americans one and all and that politics cease at the seacoast. [Loud applause.]

A motion to substitute the minority for the majority resolutions was voted down: yeas, 150; nays, 190. The majority resolutions were then passed by a vote of 325 to 19.

The first conference between the two Chambers on the subject ended in a disagreement, and a second was appointed. The joint committee made its report on April 18. It presented the following resolutions:

First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.

The Senate agreed to the report by a vote of 42 to 35, and the House by a vote of 311 to 6. The President approved the resolution on April 20.

War with Spain followed this declaration. At its close, by the Treaty of Paris, December 10, 1898, Spain relinquished the sovereignty of Cuba, and the United States took temporary possession of the island, assuming all the international obligations arising therefrom. In December, 1901, the Cuban people elected Estrada Palma as President under a Republican constitution, and on May 20, 1902, the United States formally withdrew from the island.

CHAPTER V

The Annexation of Hawaii

The Hawaiian Revolution—The Republic Asks for Annexation to the United States—Francis G. Newlands [Nev.] Introduces in the House Joint Resolution to Annex Hawaii—Debate: in Favor, Robert R. Hitt [Ill.], James A. Tawney [Minn.], Joseph H. Walker [Mass.], William Sulzer [N. Y.], Jonathan P. Dolliver [Ia.], William P. Hepburn [Ia.]; Opposed, Hugh A. Dinsmore [Ark.], Champ Clark [Mo.], John W. Gaines [Tenn.], Henry U. Johnson [Ind.]; Resolution Is Passed—Debate in the Senate: in Favor, George F. Hoar [Mass.]; Opposed, Justin S. Morrill [Vt.], Augustus O. Bacon [Ga.], William B. Bate [Tenn.]; Annexation Is Enacted.

ON February 12, 1874, a few days after the death of the childless King, Lunalilo, the Hawaiian legislature chose David Kalakaua as King. This was against the direct opposition of Emma, the Queen Dowager, whose partisans raised a riot in Honolulu which was quelled only by marines and sailors landing from British and American ships in the harbor. In appreciation of the American assistance King Kalakaua visited this country during the same year. Largely as a result of this visit a treaty of reciprocity was negotiated during the next year between Hawaii and the United States. It was renewed in 1887.

As time passed the King gave way more and more to the reactionary impulse common to Hawaiian monarchs, until on January 30, 1887, the party of progress, led by persons of American blood (many descended from early missionaries), held a mass meeting in Honolulu at which they demanded from the King a new constitution with guaranties of better government, such as the placing of the Cabinet under the control of the legislature. The constitution being ratified by the people, the King reluctantly signed it. Then, en-

couraged by his sister, Liliuokalani, he schemed to regain his former power, and in 1889 attempted by force to overthrow the new constitutional government. His adherents were defeated in the skirmish which ensued.

On January 20, 1891, Kalakaua died in San Francisco, and was succeeded by Liliuokalani, who tried to continue his reactionary policy. Two years later, learning that she was about to attempt to overthrow the constitutional government by another revolution, the progressives formed a Committee of Thirteen to protect the constitution. On January 15, 1893, this committee passed a resolution advising abolition of the monarchy and application to the United States for annexation, and constituted itself a provisional government. The progressives openly preparing to effect their purposes by force, the Queen's ministers appealed to the foreign legations for the protection of Her Majesty's Government.

Not for this purpose, but to protect American interests, the American minister, John L. Stevens, had a force of marines and sailors landed in Honolulu from the U. S. S. *Boston* in the harbor. Holding that the provisional government was the government *de facto,* he recognized it on the part of the United States, and, in order to sustain it in this critical stage, on his own responsibility on February 16 declared it under the protection of our Government.

In the meantime Hawaiian commissioners had set out for Washington, D. C., to negotiate the treaty of annexation. A few days before his term expired President Harrison submitted to Congress such a treaty, but upon the accession of President Cleveland, largely by the influence of the new Executive, the treaty was withdrawn and Minister Stevens' actions were disavowed, a special commissioner, Albert Sydney Willis [Kentucky], being sent to Honolulu for the purpose. Another special commissioner, James Blount [Georgia], was sent to Honolulu to report on the situation.

Mr. Blount reported that the minister's actions had been unwarranted—indeed, that the landing of the American marines had been the deciding factor in the

success of the revolution. The royal party, taking heart from this report, began to treat with the United States Government for the restoration of the Queen, but her refusal to grant a general amnesty to the revolutionists stopped all the negotiations.

Thus thrown upon their own resources the Hawaiian provisional government on July 4, 1894, declared Hawaii a republic, and organized it as such, with Sanford B. Dole as President, and with a legislature of two chambers.

THE CHAMPION MASHER OF THE UNIVERSE

By Victor Gillam in "Judge"

When the Republican party in the United States came into power again in 1897 after the Presidential campaign of 1896 in which the Republicans had denounced the course of President Cleveland and his party on the Hawaiian question, the Dole administration renewed the negotiations for annexation, and a treaty was made by President McKinley, which was ratified by the Hawaiian Senate, though not by the American.

The destruction of the Spanish fleet in Manila bay by Commodore George Dewey on May 1, 1898, caused a renewed interest in the annexation of Hawaii, the "half way place" to the Orient.

On May 4 Francis G. Newlands (Nevada) introduced in the House a joint resolution to annex Hawaii to the United States. It was referred to the Committee on Foreign Affairs. On May 17 Robert R. Hitt (Illinois), chairman of the committee, reported the resolution without amendment accompanied by a report of the majority of the committee. Hugh A. Dinsmore (Arkansas) presented the minority report.

The subject came up for discussion on June 11.

Annexation of Hawaii

House of Representatives, June 11–July 6, 1898

Mr. Hitt stated that the measure was substantially the same as the treaty of the previous year, as well as the treaty of 1893.

This is not a novel question at all. It is not an emergency proposition sprung upon us suddenly. It is not a case of greed for territory and overweening influence brought to bear by a great and powerful government upon one of the smallest in the world to constrain it to give up its independent existence and be absorbed by the other under the form of a legal proceeding. There is no suppression on our side, there is no unwillingness on the other side.

It is in pursuance of a policy long discussed and well known there and to our people here and to all the world. It is a result often contemplated by the successive governments of those islands for fifty years, because the circumstances surrounding the little nation in all the changes in its history have plainly made this a foregone conclusion. So slender, so tottering a political existence in the midst of the mighty political powers of the world had a precarious tenure of life. It was a continual temptation to them—an all-important possession of a weak power. It has often been threatened. Several times it has been seized and occupied by a passing commander of a frigate—by a French captain in 1839, by a British commander in 1843, again by the French in 1849.

Conscious of its feeble ability to maintain independence among the nations, the subject of union with our country has been contemplated long. One of the kings of Hawaii executed a deed of cession to the United States in 1851. Another of the kings prepared a draft of a treaty of annexation to the United States in 1854, but before it was executed he died. It is the

natural result of events and causes long operating and now concluding with mutual, cordial consent.

Therefore the only question we have to consider, when this little commonwealth with open hands offers itself to us, is whether the possession of these islands is of any value to us or not.

Other nations have long since expressed their opinion of the value of the islands in many ways. Though it is a very small nationality, a very small extent of the earth's surface, not equal in people to a Congressional district represented on this floor, yet nineteen nations continually maintain representatives at Honolulu to watch their interests. We keep there to-day an envoy extraordinary and minister plenipotentiary. Why? Not because they are fertile and beautiful islands, not because there are a little over a hundred thousand people there. No; it is because of the supreme importance and value of the islands on account of their position.

They sit facing our Western coast—that long stretch confronting the great Pacific Ocean, the most extensive body of water in the world, stretching away for six, seven, eight thousand miles—and they are the nearest point to our coast, and far, very far, removed from any other point in that vast sea. They are 2,000 miles away from us. That seems a very considerable distance, but the immense stretch beyond them to the other portions of the earth is so much greater that they seem comparatively near and are a part of our own system.

With the great change in the construction of fighting ships, all of which are now moved by steam, coal has become an essential of maritime war, as much so as powder or guns, and across that wide ocean any vessel of war coming to attack the United States must stop for coal and supplies at the Hawaiian Islands before it can attack us. No ship can be constructed, no battleship exists in the world, which can make the trip from the other side of that wide sea to our shores, conduct any operation of hostility against us, and ever get back unless it has its supply of coal renewed.

We have on this critical and central question, the opinions of the most distinguished, specially expert, and able men of the age, the greatest commanders of our armies and our fleets who are living—Admiral Walker and Captain Mahan and General Schofield, Admiral Belknap, General Alexander, and Admiral Dupont and Chief Engineer Melville. It is an impressive and convincing fact that all have given the same opinion. Everyone has stated that the possession of those islands was to

us of great importance, many of them say indispensable; that it will diminish, not increase, the necessity for naval force, economize ships of war and not require more; that, in the possession of an enemy, if we shall so foolishly and unwisely act as to refuse annexation and permit them to pass into the hands of an enemy, they will furnish a secure base for active operations to harass and destroy the cities of our Western coast; that, in our possession, duly fortified, those islands will paralyze any fleet, however strong, however superior to our own naval force in the Pacific, before it can attack our coast. On one of the islands is Pearl Harbor, now unimproved, a possible stronghold and a refuge for a fleet, which, fortified by the expenditure of half a million dollars and garrisoned and aided by the militia of the island and its resources, can be made impregnable to any naval force, however large.

I speak of a naval force. To capture it there must be a land force also. The possession of all the islands was stated by those able men, who were before the committee, to be essential, as they would furnish a valuable militia to promptly cooperate with a garrison of one or two regiments of artillery until, in the short distance from our shore, we could reinforce them with abundant military strength to repel the assault of the disembarking troops, who must come many thousands of miles farther than our own.

General Schofield, who spent three months on the islands and made a careful survey of Pearl River Harbor, when asked whether it would be sufficient to have Pearl Harbor without the islands, stated to our committee that we ought to have the islands to hold the harbor; that if left free and neutral complications would arise with foreign nations, who would take advantage of a weak little republic with claims for damages enforced by war ships, as is frequently seen. If annexed, we would settle any dispute with a foreign nation; that we would be much stronger if we owned the islands as part of our territory, and would then also have the resources of the islands, which are so fertile, for military supplies; that, if we do not have the political control, they may become Japanese; and we would be surrounded by a hostile people.

Admiral Walker, who has had long experience in the waters of the Hawaiian Islands, emphatically confirmed the views of General Schofield, especially that it would cost far less to protect the Pacific coast with the Hawaiian Islands than without them; that it would be taking a point of advantage instead of giving it to your enemy.

Admiral Dupont, in a report made as long ago as 1851, expressed his view in these words:

> Should circumstances ever place the Sandwich Islands in our hands, they would prove the most important acquisition we could make in the whole Pacific Ocean—an acquisition intimately connected with our commercial and naval supremacy in those seas.

For a war of defence the Hawaiian Islands are to us inestimably important, most essential. We have fleets and strong land forces and coast defences on the east. We have comparatively slender preparations on the west coast. There is not anywhere on the east a group of islands of such cardinal and unique importance as the Sandwich Islands—not even the Bermudas.

Not only in defensive war but in war of any kind they are necessary to us. In the events of the hour we have an illustration of the importance and the military necessity of possessing those islands. The present war was begun for the declared purpose of expelling Spain from Cuba and liberating the struggling people of that island; but once involved in war, it is the duty of the President, who is commander of the army and navy, to strike at Spain wherever he can effectively; and a great and successful blow was struck in Manila by gallant Admiral Dewey and his fleet. [Applause.]

There is no one in our country so recreant to his duty as an American that he would refuse to support the President in succoring Dewey after his magnificent victory, lying in Manila Bay, holding in control the Spanish power there, but unable to land for want of reinforcements and surrounded by millions of Spanish subjects. Yet it is not possible to send support to Dewey to-day without taking on coal and supplies at Honolulu in the Hawaiian Islands—a neutral power.

By the law of nations, that power is bound to refuse to allow ships engaged in war to take on supplies or stay in port over twenty-four hours and is liable for all damages to Spanish interests caused by allowing the rules of neutrality in war to be violated by us. We are strong; Hawaii is weak. We absolutely must use that port, and do use it.

While we have been giving notice to the great powers of France, Germany, and Great Britain that war was existing and calling their attention to their duty as neutral powers, in order that they might issue neutrality proclamations, we came on the west to the little Republic of Hawaii, and without a word of courtesy or request took possession of all we cared to take,

in utter contempt of her neutrality, of our duties as a belligerent nation dealing with a neutral country, and in disregard of the heavy liabilities we forced upon Hawaii.

The rules of neutrality sprang from our suggestion. When the treaty of Washington was negotiated in this city in 1871, the United States presented and proposed three general rules which should be observed by a neutral nation and determine its liability. The English refused to assent to them in the language first proposed, and after long debate and modification at last those rules were put in due form, accepted, and solemnly placed in that famous treaty.

Under this treaty we collected $15,500,000 from Great Britain for depredations committed on our interests by ships that had been coaled or harbored in British ports. So for every damage done to Spanish interests by an American war ship which has been supplied, repaired, or coaled in the Sandwich Islands that government, the property of the people of those islands, is liable to pay to Spain the full amount of loss.

When this war is over and peace is declared, if the gentlemen opposed to this resolution prevail and prevent annexation and continue Hawaii's independent existence, if the liabilities of the islands on the claims of Spain against the Republic of Hawaii should be referred to arbitration, and the President of the United States should be one of the arbitrators, he would have to vote to compel them to pay the last cent, no matter how vast might be the burden of taxation it would impose on that little people.

Now, this is not a vague speculation. It is not merely hypothetical. The property owners in the island are alarmed. The foreign powers represented there are active. I hold in my hand a dispatch from our minister at Honolulu of May 10, a part of which I will read:

> The strongest influence has been brought to bear upon the government urging it to proclaim neutrality, give notice to the *Bennington* to leave port, and invite the coöperation of other powers to protect the neutrality of the group.

But without any words from us or any assurance from our Government, notwithstanding the pressure to which it has been subjected, the brave little Hawaiian Government, loving America better than Spain and confident in the justice of the great American people as a child trusts its father, remains unchanged in its purpose. [Applause.]

Are you not as Americans proud of that little colony, the

only true American colony, the only spot on earth beyond our boundaries in the wide world where our country is preferred above all others? [Renewed applause.] That steadfast body of men, pressed and menaced by the influence of so many empires and kingdoms, threatening them with the danger that would follow if they permitted the American flag to stay in their harbor, remained constant in their devotion to the colors they loved and the people they always trusted.

These same resolute men drove a worthless Queen from the throne when she attempted to overthrow the constitution and destroy the guarantees of property—the woman who, when she talked with Minister Willis of restoration, wished one condition, that she might behead the Americans. I have no apology to make for men sprung from our blood who have borne themselves with such enlightenment, courage, and energy as these men have done [applause], whose only fault is that they love our flag more than their own. They love the flag under which many of them once fought. Some of them fought under another, the bonnie blue flag, during our great war; but at heart brave Americans all, they have united there to sustain the cause of the United States in this war with Spain, animated by a love of American institutions and love of liberty. They are men who can not be intimidated or turned aside from their purpose, men who have successfully resisted every influence to bring them under the control of other foreign governments or any domestic tyranny.

I said we had only the question of interest to consider here to-day, whether it would be advantageous to us to annex. Have we not also a high question of national honor?

While we are demanding the observance of neutrality by other nations, we disregard it ourselves. We are compelled to it by military necessity. What is the honorable solution? Annex Hawaii and end it all.

The minority propose that we should guarantee the independence of the islands, which, of course, perpetuates their neutrality and continues us in a position that we cannot longer endure. The gentlemen would put our Government in the dishonorable position of declaring and guaranteeing Hawaiian independence as a neutral nation at the very moment when we are disregarding their neutrality and independence.

They can not remain as they are. The future is threatening. Sagacious statesmen have long foreseen it.

Mr. Willis was sent to these islands by Mr. Cleveland to demand the overthrow of the republican government. We all

recollect his dispatches. In one of them he mentioned that far the most threatening fact in the condition of the islands was the rapid growth of the Japanese element, and the purpose for which it was being sent there. There are over 24,000 Japanese on the island; 19,000 of them are men.

If they voted, it would be converted into a Japanese commonwealth immediately. This is not a light thing.

Over twelve years ago the planters, desirous of having other labor to diversify their Chinese and Portuguese labor, tried to have an additional supply from Japan. An arrangement was made, which was put into a convention in 1886, permitting the Japanese Immigration Company to send over Japanese laborers upon due authorization from the Hawaiian Government. These Japanese came at first in small numbers; but pretty soon they began to come faster, and the Japanese Government, which is directed by able statesmen, anxious to take advantage of all opportunities, made a demand that these Japanese subjects going there should have the same rights as the natives.

That startled the Hawaiian Government. The demand was ingeniously presented and energetically sustained. It might seem surprising that such a demand should be made. It was based upon an old treaty made by Japan in 1873 with one of the kings, which it was claimed granted to all Japanese forever the rights of the most favored nation. In truth, that treaty related only to traders and their privileges in the ports, and was so meant. It gave to Japanese liberty to come with ships and cargoes to ports where trade with other nations was permitted, where they might hire houses and warehouses and trade, enjoying the same privileges that were granted to other nations.

The sixth article provides that the treaty may be revised, on six months' notice, by mutual consent. As the Japanese did not purpose to give consent, by their way of doing business it would be perpetual.

However, the treaty did not amount to anything without finding a "favored nation." They found an old treaty, made way back in 1863, by one of the native kings with Spain, drawn apparently in very liberal terms, and meant to enable the traders to come and trade in the ports, which provided that they should "enjoy the same rights and privileges which are granted to natives."

So, by carrying over these privileges given to Spanish traders as such by a Kanaka king thirty-five years ago, and under which Spain had never thought of claiming the voting franchise, by distributing them to the Japanese traders in 1873 they spread

them out in their demand over the whole Japanese population, laborers and all. That population was being poured in at a tremendous pace, sometimes 1,000 a week, and they would have soon overwhelmed everything on the island by sheer numbers. The Hawaiian Republic made its utmost endeavors to struggle against this flood. They protested, they denied any such interpretation of a treaty which concerned not laborers, but merely traders, such as came on trading voyages in that old time.

They demanded that only those should land who had permits by the convention of 1886. They adopted a police restriction against paupers, such as all governments have a right to make. The police regulations required every one who came to have $50. The immigration company in Japan was up to the exigency. They sent them still without permits and met the pauper restriction by a curious device. As the coolie left the vessel to go off, he was handed $50, which he took in one hand, and after he passed the inspector he handed it back to the Japanese agent; and so they sought to evade the restriction.

The Hawaiian Government would not submit to such proceedings. They arrested those without permits or bona fide money and turned back over 1,100 of them. The Japanese Government were in dead earnest by this time. The game was in sight. If they could once get these men in sufficient numbers there with the voting power they would soon turn the whole government into a Japanese commonwealth, and then they would quickly end the reciprocity treaty with the United States and all our special rights to Pearl Harbor or anything else. Japan sent a ship of war, which might well alarm them, and a high official with it, who demanded that the permit should not be required, and that they should be free to come in as voluntary immigrants without stint; that Hawaii had no right to inquire into the bona fide character of the fifty-dollar transaction, and presented a great claim for indemnity to those turned back.

The little republic held out stoutly and asked for arbitration. Japan said, "We will arbitrate; we will soon let you know exactly what we will do"; and the next month they said they would arbitrate all questions between the two countries except as to the bona fide character of the fifty-dollar transaction and the permit for immigration, nor would they arbitrate the treaty-construction question. In short, they were willing to refer to arbitration everything except the questions to be arbitrated. The horizon looked dark for Hawaii.

But at this point the little republic made a treaty of annexation with the United States, and Japan learned that they could

not discuss the matter further with them, because they had made a treaty of annexation with the United States, which, by its very nature, would extinguish all other treaties. Even that did not stop Japan, and she made an earnest protest to the United States against the treaty of annexation. Our Government answered promptly that Japan was not concerned in it; that we could deal only with the Hawaiian Republic, and refused to consider the protest, and this in such terms that Japan formally withdrew it. But she has not withdrawn these claims, she has not withdrawn the demand against the Hawaiian Government of the right to pour in Japanese without permit, or the right to demand for all Japanese any privileges or rights of the natives, which would include the right to vote and hold office.

Now, suppose we reject this offer of the Hawaiian Republic to join our country and become part of us. They are then left an independent government, with no hope of joining us, and become responsible for their own international relations and must answer to Japan. If Japan should succeed in her contention as to the old treaty rights her people will vote and soon change the administration of affairs there. They would elect their own officials and government in Hawaii.

They could at once attack the reciprocity treaty with the United States. By the terms of that treaty either party may terminate it on twelve months' notice. Pearl Harbor is therein granted to us; that is, we have a right to enter the harbor to improve it and use it as a coaling and naval station.

We have never done any of these things. The entrance has not ever been opened. I tried vainly to have an appropriation made by Congress over a year ago to have the harbor opened and improved and our flag raised, in order to strengthen our title by possession, so that when the question of our tenure should come up we might have that point in our favor—an important point in any contention which might arise under international law. But since we have done nothing the case stands thus: The Pearl Harbor grant to us in the reciprocity treaty was in a new article, Article II, added when the treaty was renewed in 1887. After that amendment had been put on in the Senate, and before exchange of ratifications of the renewed reciprocity treaty thus modified, there was an exchange of official notes between Minister Carter, of the Hawaiian Islands, and Mr. Bayard, Secretary of State of the United States.

Mr. Carter stated that they wanted it distinctly understood that in assenting to the Senate provision in a reciprocity treaty granting to the United States the use of Pearl Harbor as a coal-

ing station they did not propose any derogation of the sovereignty or jurisdiction of the Hawaiian Islands or any cession of territory whatever; that it was to be regarded as a privilege granted as compensation for the advantages they obtained by reciprocity, and that with the cessation of reciprocity the Pearl Harbor grant would cease.

JAMES A. TAWNEY [Minn.].—Is it not a fact that under that grant the Government of the United States obtains absolutely nothing except the use of the water—that we obtain no land at all for the purpose of utilizing the harbor as a coaling station?

MR. HITT.—As the honorable gentleman says, we get nothing but the use of the water in that grant.

The commercial value of the islands, the great interests that are to be promoted or are to languish, dependent upon our possession of the islands, which are the crossing place of almost all the lines of steamers in that sea, have been often discussed. We have a very large trade there, over $18,000,000 annually of late years, and increasing. Not only do we admit their unrefined sugar free to our country, but, under the reciprocity treaty, they admit our products free of duty, and last year we sold to them $6,800,000 worth of goods.

Of course, if the islands are diverted to other control—if that treaty terminates—we will rapidly lose their trade. At present they purchase from us three-fourths of all their imports. We have a great shipping trade there, American ships carrying nearly all the trade of the island. Honolulu is the only port in the world where American shipping is so greatly in the ascendant as to outnumber that of all other countries put together. Of the seven trans-Pacific steamship lines, six make Honolulu a way station. Shall we let it pass into rival or hostile control?

The population of the island, 109,000, is a mixed population. About half, or nearly half, are Asiatic—Chinese and Japanese. About twenty to twenty-five thousand are people of European or American origin—a good many Americans, a good many Germans, British, and a large number Portuguese and other nationalities. This Caucasian element is the strong intellectual and industrial force of the island. The Portuguese are people who have been there for some time. More than half of them were born on the island; were educated in the schools there, which are similar to the schools here, and those children speak English as an ordinary American child. After annexation the Asiatics would rapidly disappear in numbers under the operation of our laws and under the penal code of the islands, which would send back Chinese laborers very soon. The contract system would

be terminated. The immigration from this country would no doubt increase.

In answer to an inquiry as to the prevalence of leprosy among the Hawaiians Mr. Hitt said:

There is little or no leprosy among them or any cleanly, highly civilized people anywhere.

I have seen little reason to believe that there would be any difficulty whatever in regard to any maladies save among those Asiatic elements and the Kanakas. There is leprosy, brought to the islands, it is said, by the Chinese. There is a vague impression, especially among Bible readers, who are very prevalent in this House [laughter], as to that word "leprosy" in descriptions of the islands, which is not correct as to the form of disease called leprosy as it exists in Hawaii, and which I have myself often seen in the Orient. It is not the loathsome, running disease mentioned so often in the Bible. It seems to be a paralysis and withering of the ears, fingers, etc., and they drop away painlessly. It is a malady that rarely affects people of the Caucasian race of the better class, who use an abundance of soap and water. It is not contagious in the ordinary sense. It is communicated only by long association and intercourse. The present vigorous, well-organized, well-arranged government of the islands has segregated it at Molokai. We, too, have had it in a sporadic way in our country for a long time and it is controlled. There is a leper colony in Louisiana and one in Canada. I will leave that question to experts.

In answer to an inquiry as to the number of American citizens in the islands Mr. Hitt said:

There are many people there of American origin, but they are Hawaiians, some of them sons and grandsons of men who went from the United States. But they are not American citizens, except partially, by a peculiar provision of their law, which allows men to retain a title to foreign citizenship. They are very strongly American at heart.

Charles K. Wheeler [Ky.].—There is one phase of the question that I think the House would hear with a great deal of interest, and that is the result and effect of annexation, not upon the commercial or military welfare of this country, but as a departure from the established customs of our country.

Mr. Hitt.—This measure does not launch us upon any new policy. The importance of the question lies, first of all, in the necessity of possessing these islands for the defence of our Western shore, the protection and promotion of our commercial interests, and the welfare and security of our own country generally. Mr. Blaine stated it very well in a dispatch where he said the Panama Canal connecting our two shores, facilitating their defence and communication, was a purely American question, and that the possession of the Sandwich or Hawaiian Islands, giving them strategic control of the North Pacific, was one of purely American policy.

As to the further addition of a so-called inferior race to our population, with augmentation of our present political problems arising therefrom, I would say that the Hawaiian population is so small as to be inconsequential. It is not one seven-hundredth part of our population at home.

Something is said about the danger to our beet-sugar interests in this country from the competition of Hawaiian cane sugar after annexation coming in free of duty. There may well be some persons connected with the sugar-refining interest who are hostile to annexation; but the producers of beet sugar or unrefined sugar have nothing to apprehend. The total available natural cane lands in the islands do not amount to four townships of our land. They could not supply a tenth of what we consume. Besides, annexation will make no difference to the farmer here, as the raw or unrefined sugar of the Hawaiian Islands now comes in as free of duty under the Hawaiian reciprocity treaty as it would after annexation, and the only man who is affected is the refiner, who is protected now by the tariff against refined Hawaiian sugar. Refined sugar does not come in free under the treaty, and if annexation comes the refined sugar will come in free, and of course the refiners are hostile to it.

Patrick Henry [Miss.].—If we take these islands and annex them, have we to pay anything in the way of debts?

Mr. Hitt.—Well, they have assets and liabilities, the assets being twice as great as the liabilities. We take both when we take the government. There is a provision in the resolution that the debt shall not in any case exceed $4,000,000. The assets of the islands are given in the statement of the financial officer showing that they are nearly twice that.

The consideration of this measure has been long deferred. There has been so much discussion throughout the country, such manifest impatience for its consideration here, that at last there

is a pretty clear perception by almost every one that the annexation resolution before us is in response and obedience to the demands of the whole country. Our votes in passing it will voice the earnest purpose of the American people; the conservative sentiment of the country is expressed by it, as a measure for the welfare, for the security and prosperity of the whole nation. Let us pass it and carry out the will of the American people. [Loud applause.]

Mr. Dinsmore replied to Mr. Hitt. He said that the subject was of profound importance too great to be made a partisan one, as he feared this one would be made.

He confessed that before he had studied the question he had been in favor of annexation, but after his investigations he became firmly opposed to it.

I am opposed to it, in the first place, at this time, because I do not believe that we have any constitutional authority by the method proposed to us now to take them. Secondly, I think that, if we could do it lawfully, it is not desirable that we should do so for many reasons.

I do not believe that the ownership and possession of the Hawaiian Islands are essential to the United States, either as a permanent defence against war in time of peace or as a present war emergency. I frankly concede that their possession affords advantage—one advantage as against possession in the hands of a formidable hostile power—but that advantage is greatly exaggerated, and the evils that would result, in my judgment, outweigh this advantage. I do not believe that we have the power to take them to ourselves except as a State, and I do not believe that the people of these islands are suitable for citizenship of the United States. I am opposed to it because the people of Hawaii have not been consulted in the matter.

Annexation is but the first step that gentlemen ask us to take upon a policy which is strictly in conflict with every tradition of our Government and the prospect of its honorable success and prosperity. I noticed when I alluded to the Constitution there were smiles on some of the countenances of gentlemen in the House. I know it has become quite old-fashioned to talk about the Constitution. I know that in these degenerate days it is not considered up to date to talk about being governed and restrained by the Constitution of the United States.

It is not only the men at home who attempt by coöperation

with a foreign enemy to break down and destroy the Constitution that are distinguished as domestic enemies; they, too, are enemies who, for any cause, in any way, attempt to nullify and render inoperative the provisions of the Constitution.

For a century and more this Government has grown from its small beginning until it has become the greatest of states. I would have it continue so, Mr. Speaker, not by enlarging its territory, but by strengthening it in its internal affairs; by strengthening our institutions at home; by building up patriotism in the hearts of the people; by conserving the public interest; by promoting all industrial methods, and, above all, by strengthening our unity, restricting extension from our compact form, thus keeping every part of the country in touch and sympathy with every other. While we have refrained from interference with foreign nations, we have prospered under the direction of those wholesome admonitions, the sage advice of the wise and patriotic who built the ship of state. We have avoided entangling alliances with foreign nations, while we have maintained peace, commerce, and honest friendship, in the language of Mr. Jefferson, with all.

I regret to see any part of our people desiring to depart from the ancient traditional policy of our Government. We adopted the Monroe Doctrine. That doctrine declared not only that we would resent and oppose, if necessary, any interference on the American continent by foreign powers or the upbuilding of monarchical institutions here, but there was on our part an undertaking in good faith to refrain from interference with the affairs of foreign countries.

If we acquire Hawaii it is but the first step in the progress of colonial aggrandizement. We all know it. I hear it every day, not only from uninformed and impulsive people at the hotels and on the street, but from dignified, sober, reflective members of Congress. The press teems with it. "We are going on!" "We are not going to stop at Hawaii!" "We will take the Philippines and Puerto Rico and the Canaries, and establish ourselves upon every Spanish possession on the seas!"

Newspapers, assuming to speak for the President, tell us from twice to thrice a week that he is anxious to get complete possession of Puerto Rico and the Philippines before Spain capitulates—that no overtures for peace will be entertained until these islands are reduced to our possession. Think of it! And this war was inaugurated for humanity's sake, with a distinct disavowal of motives of conquest! Who speaks of the suffering reconcentrados now, though suffering tenfold more than when

the war began? The public mind is diseased with the fever of war, judgment is fled to brutish beasts, and men have lost their reason. American blood is to be spilled, American treasure wasted, for acquisition of territory which, if permanently acquired, threatens the sacrifice of peace, the happiness of our people, the very life of our Republic.

It is against this policy that I protest, because I believe it is inimical to the interests of this great country, that it portends disaster to us as a nation.

It is denied by some that the annexation of Hawaii is in conflict with our policy in the past. They say that we have annexed territory before. But what I want to call attention to is the fact that no territory has ever been acquired into the possession of the United States by the method proposed in this resolution.

Under the Constitution Congress has the right to admit new States into the Union. Let me read from the decision of the Supreme Court in 19 Howard, the celebrated Dred Scott decision, which treats directly of this subject. In delivering the opinion of the court the learned Chief Justice Taney said, among other things:

> There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure; nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given; and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative powers and duties of the State and citizens of the State and the Federal Government. But no power is given to acquire territory to be held and governed permanently in that character.

In an "obiter dictum" in the same decision the learned chief justice says that:

> The different departments of the government have recognized the right of the United States to acquire territory which, at the time, it is intended to admit as a new state into the Union.

Mr. Jefferson acquired Louisiana under this view, but by treaty confirmed by the Senate, and to become a State or several States.

Is that the question presented here? Is there anything in these resolutions of the majority proposing that Hawaii shall be admitted as a State into the Union? Would any gentleman have the temerity to stand up in this assembly and say that he would take it into the Union as a State? Do the committee re-

porting these resolutions say that at any time in the future it is expected to admit them to statehood? What is the population? This "gallant little republic" that the distinguished gentleman from Illinois, my colleague upon the committee, Mr. Hitt, referred to a while ago has 20 per cent. of white blood—European and American.

CHAMP CLARK [Mo.].—Let me suggest to my colleague that of that 20 per cent. 16 per cent. are Portuguese, from the Azores Islands.

MR. DINSMORE.—Forty-two per cent. of the population of the island are Mongolian, Chinese, and Japanese. Are you to take into full citizenship the Chinese whom your laws exclude from coming into this country? Are you going to confer upon them the immunities and privileges and sovereignty of American citizenship, when you say that they are not good enough even to come among us upon our own territory temporarily?

Nobody pretends any purpose to take the Hawaiian Islands into the Union as a State, but the purpose is simply and solely, so far as the contention goes, to acquire them for the purpose of assisting us in our military and commercial operations.

But they say that Texas furnishes a precedent. Texas never was annexed. They tried to annex it after the treaty failed, but Congress refused to annex. Resolutions somewhat akin to this were introduced in Congress, but Congress rejected them. What did they do? They passed a resolution of Congress looking to the introduction and admission of Texas into the Union as a State; when? After it had organized itself into a State, with a constitution republican in form, constructed by a convention of delegates selected by the people, and after that constitution had been submitted to and ratified by its people.

Now the consent of the people of Hawaii has never been received in any way. There is only the form of a dead treaty which was rejected or abandoned by the United States Senate after it was agreed to by the plenipotentiaries of the United States and the oligarchy in Hawaii, but which had not, and has never been, consented to by the people of the islands. It might as well be said, and far more justly, that a treaty signed by a plenipotentiary of the British Crown, ratified by a British Parliament, would impart the consent of the people of Canada to be annexed to the United States.

You must admit as a State. Such is the Constitution, and such is the precedent to which you refer.

Gentlemen say that Navassa was annexed; that all the guano islands were annexed. Are gentlemen familiar with the statute

by which those islands were taken into our possession for a time? They were not annexed.

Congress, in 1856, passed an act which said that where a citizen of the United States discovered an island in the sea, an island, rock, or key containing guano, an island uninhabited and not under the sovereignty of any other power, that that island should be considered as "appertaining to" the United States. Did you ever know of that word "appertaining" being used by anybody in good conscience, by any lawyer in the writing of a deed of conveyance, by any State, corporation, or individual attempting to set up title to property? How careful they seem to have been to avoid such language as would confer, upon the part of the United States, any sovereignty or ownership on those islands.

They should "appertain" to the United States, but for what purpose? Permanently? The statute does not say so. For the purpose of enabling the citizens of the United States to procure guano, after having entered into bonds to the United States Government that he would sell that guano to no other person than United States citizens, and at a fixed price, and Congress specifically declares in the act that the United States shall not be considered as bound to retain possession of the islands.

So much for precedents. Now as to the necessity for possessing the Hawaiian Islands for the defence of the United States and our commerce.

I mention parenthetically the remarks of one gentleman who spoke of the necessity of having our guns on the Hawaiian Islands to protect our trade when the Nicaraguan Canal shall be built. It was ridiculed by my versatile friend from Mississippi [John Sharp Williams], who remarked, "What guns they would have to be."

There is a better way now to Manila, in the Philippines, than by Hawaii. It is over 800 miles nearer, and has, midway, an island with good harborage, a good coaling station, and coal already there provided, within the jurisdiction and control of the United States. Gentlemen seem startled by this statement.

Let me tell them that the route from San Francisco, by way of Kiska, in the Aleutian Islands, and by way of Unalaska, where there is already a coaling station, to Yokohama and Hongkong and to Manila is over 800 miles nearer, according to the official maps made by the accredited scientific authorities of the United States, than by way of Honolulu. There is a harbor there more than a mile and a half long and a mile wide, enough to float all the navies of the world. There is deep water with a good an-

chorage, several fathoms of water throughout its whole area, enough at all points and more for vessels of the deepest draft; and not only so, but in an island 25 miles long, and right upon the shore is fresh water in abundance. The temperature never falls below 7 degrees above zero.

Then what need for a coaling station at Honolulu? Mr. Speaker, there is absolutely nothing in the annexationist coal theory, but, if it is necessary, we have the exclusive privilege already by treaty with Hawaii. That treaty provides that no other nation but the United States shall have the privilege even of entering Pearl Harbor, and we are given the right to do all things necessary to make it an efficient coaling and repair station, to the exclusion of every other power, even Hawaii herself, and that carries with it the right to strengthen and fortify it, to make of it a naval station with the armament to defend it. What more do we want than this?

The gentleman from Illinois [Mr. Hitt] says this treaty, according to its terms, may be terminated by either party to the treaty. So it may. But who will abrogate the treaty? Will the Hawaiians? Never, if we avail ourselves of the rights granted, because the Hawaiians know they have more to expect from us than from any other nation. But, says the gentleman, some other power or people may get control of the government in Hawaii, and they would terminate the treaty. An event the anticipation of which there is nothing to justify. The mere assertion of our purpose not to allow any other power to control Hawaii has been sufficient to prevent it for fifty years, and the world respects our wishes more to-day than ever before. They have regarded them because hitherto we have in good faith refrained from interference with foreign territory, while insisting upon the enforcement of the Monroe Doctrine with reference to European control in our hemisphere. If we depart from our honorable course we need not wonder if Europe ignores our contention.

Do gentlemen reflect that when in the hands of a foreign power, if it controlled Hawaii, ships could not come from Honolulu and attack our Western coast, because when they got to the United States they would not dare engage us in battle unless they knew that they could overcome us, because, if they do, their coal supply is exhausted at once, and they cannot get away? They will be as helpless and inoffensive as painted ships upon a painted ocean. I do not admit the correctness of the theory that possession of Hawaii will render us able to do with less military and naval establishment than is necessary without

it. A navy will be indispensable for protection of a station there, and just as strong a naval force will be necessary for defence of our coast as if we owned the islands and a naval station there.

We must keep ships of war there, because if we do not the navies of the world can go there and batter down our forts and disable our guns, as Admiral Sampson has just been doing in Santiago de Cuba.

But, in addition to that, we must keep ships upon our own coast. If we were at war with Great Britain she would not have to cross the Pacific; she has naval stations on the westward American coast. But from the Asiatic side they can avoid Hawaii, go around it, and come to our coast exactly as for weeks and weeks in the Caribbean Sea Admiral Cervera eluded the two fleets that were looking after and chasing him every day in the great trackless waste of waters. Vessels must come in sight before they can be engaged in combat. So that after all as a strategic point the Hawaiian Islands are not of so much consequence as gentlemen contend.

Mr. Speaker, what is the necessity for our entering upon a policy of annexation? We are engaged in war. For what purpose was this war inaugurated? What was the motive assigned for our action at the time when we made the demands upon Spain to which she did not accede? The motive was humanitarian. We said: "We will not tolerate right here at our doors a condition which we consider barbarous and inhuman, even though it is not upon our own soil; no civilized nation would tolerate the cruel persecution going on at the instance of Spain in the island of Cuba; and it must stop."

We disavowed any intention of aggression on our part. We disavowed any purpose to make Cuba a part of our territory or to exercise any sovereignty over it. In view of such declarations is it good faith upon our part to inaugurate such a policy with reference to Puerto Rico and the Canaries and the Philippines? I say it is unworthy of respectable manhood, and what is not respectable for man is not decent for a nation. [Applause.] And, even if it were, I contend it is contrary to the welfare and interest of our country.

What must we expect if we enter upon a colonial policy? Suppose we set our feet upon territory in the Orient. From that moment we become involved in every European controversy with reference to aggressions and the acquirement of territory there. No longer will our ancient peace abide with us. That angel which has extended her beneficent wings over our heads

for so many years and enabled our people to build up their homes and to live happily with their families, to lie down at night restful and at their ease because no danger threatened, will be gone. She will desert us; and we shall never have a moment that we can confidently rely upon as a time of peace.

Mr. Speaker, it should be a matter of profound pride and gratification to every American to know that, in our compact form on this great continent, whenever the American heart throbs the blood goes bounding through the veins to every extremity of the great national body, as quickly and as responsively as the electric fluid flies from the touch of the operator's hand to the farthermost end of the wire. And why so? Because we have not scattered possessions.

We are not a colonial nation; we have concentrated rather than diffused our power; we have a compact republican Government here, made strong by the union of States touching arm to arm; we have followed the policy laid down to us by our fathers and have avoided entangling alliances, and have respected and obeyed the Monroe Doctrine to such an extent that up to this good day, at least, not a nation in all the world has dared to plant her colors upon Hawaii and keep them there and call it her own.

Great Britain did it once. France did it once, but out of respect to the demands and wishes of America in the assertion of the Monroe Doctrine those colors were pulled down, and for more than fifty years the powers of the earth have respected our right there; and so long as we are decent and honest, and respect the principles and spirit of the Monroe Doctrine ourselves, they will continue to respect them. But, as Ex-Sen. Edmunds says practically, the moment we depart from it we may then begin to prepare for our defence.

Mr. Speaker, I hope that we shall be able to act in this matter as cool, deliberate, and patriotic statesmen. I hope that we may not yield to the feverish feelings of war which have taken possession of men's minds and hearts. Within the last two months we have seen men by the dozen, by the score, in this very body, change their opinion on this question.

The war fever has got into their blood, and they are about to do a foolish thing. It will be the greatest blunder in our national history. It is mere vanity, a desire to place ourselves alongside other nations who depend upon acquiring and holding territory abroad. We may take Manila; we may acquire Porto Rico; we may take the Canaries and set up our flag, our dominion, and our sovereignty. If we do, Mr. Speaker, we may expect to see

the disintegration of this giant Republic of ours, which nothing else, in my judgment, can accomplish. If you will take them, do it; but God help us! [Loud applause on the Democratic side.]

Mr. Clark.—Annexationists appear to labor under the delusion that in the twinkling of an eye any sort of a human being, no matter how ignorant, vicious, or degraded, can be made worthy of American citizenship by a simple act of Congress. Not so, however. Fitness for that exalted privilege can be obtained only by having the right sort of natural qualifications to build on and then by being educated for centuries in the hard school of experience.

Confidence is said to be a plant of slow growth. So is human liberty. It is marvelous to remember at what a snail's pace, with what painful steps, we have advanced to self-government.

Magna Charta, Trial by Jury, the Bill of Rights, the Petition of Right, the Long Parliament, the Commonwealth, the Revolution of 1688, the Right of the Writ of Habeas Corpus, the American Revolution, the Declaration of Independence, the old Articles of Confederation, the Constitution of the United States—these are only the luminous mileposts on the long, tedious, hazardous, and triumphal road by which we have traveled to the proud position which we occupy at this hour.

Our institutions have indeed been purchased with a very great price; and yet we are about to imperil them by entering upon a vainglorious policy of imperial aggrandizement, gorgeous in appearance, but surely fatal in its effect, or all history is a lie.

Why do we desire to expand our territory? It is too large already. From the beginning of things the most perplexing questions of legislation, of government, and of politics have grown out of our abnormal size. The largeness of our territory, our wide diversity of soil, climate, employment, and interest, have always been the stumbling blocks to perfect unity. On this rock—when our area was insignificant compared with what it is now—the constitutional convention of 1787, with George Washington at its head, came near going to pieces. These things caused the most titanic civil war that the world ever saw. These things divide us here now into warring factions, for, loath as we are to admit it, our political differences are in the main founded on issues purely sectional or local.

Vastness of area, wealth of resources, variety of climate, abundance of navigable waters, multitudes of population—these alone are not all the necessary constituent elements from which a great, free, and enduring government must be builded.

Russia has all these galore, and yet she is the veriest despotism on which the sun looks down.

Ages agone Sir William Jones stated the question and gave the answer in immortal verse:

What constitutes a state?
Not high-rais'd battlement or labor'd mound,
Thick wall or moated gate;
Not cities proud with spires and turrets crown'd;
Not bays and broad-arm'd ports,
Where, laughing at the storm, rich navies ride;
Not starr'd and spangled courts,
Where low-brow'd baseness wafts perfume to pride
No! Men—high-minded men—
With pow'rs as far above dull brutes endued
In forest, brake, or den,
As beasts excel cold rocks and brambles rude;
Men who their duties know,
But know their rights, and, knowing, dare maintain;
Prevent the long-aim'd blow
And crush the tyrant while they rend the chain.
These constitute a state;
And sovereign law, that state's collected will,
O'er thrones and globes elate,
Sits empress, crowning good, repressing ill.

What shall it profit us, even temporarily, to do this thing? The annexationists draw a picture of these islands in rosy hues, and tell a dulcet story of the free homesteads awaiting us in that tropical region. We are to get the crown lands in return for this four millions we are now appropriating and for the other countless millions which we will expend in the future. As a matter of fact, the crown lands are absolutely worthless. Rest assured that the sugar barons have already secured titles to every foot of land of any value. The free homesteads to be carved out of the crown lands are a fake, pure and simple. All the crown lands which will ever be opened to homestead entry are too dry to till without irrigation and so high up in the air that irrigation is impossible.

Even if there are valuable crown lands which have never been broken to the plow and fertilized by water, they are not for our children and other white people of our breed, for the all-sufficient reason that they cannot endure outdoor work in that sultry climate. More farming lands there simply mean more Chinese cheap labor, more Chinese contract labor, more Chinese and Japanese slave labor, brought into our country to compete with our free white labor. Such an outrageous and iniquitous

performance is forbidden by good morals, as well as by an exalted love of country.

But the annexationists have their plan like the nigger's coon trap, "set to catch 'em gwine and comin'."

They at first gave it out that the reason we needed the islands was that we could then grow for ourselves all the sugar we wanted, representing that the cane-sugar industry out there was only in its infancy, and could be increased *ad libitum.* That statement so alarmed the sugar-beet enthusiasts that they howled so loud that the annexationists hauled in their horns on the sugar question and declared that they had been mistaken about that, and that what we really needed the islands for was to raise our own coffee, so that neither Spain nor any other nation could prevent us from having an abundance of that delightful tipple.

Within the last few days the nimble advocates of annexation have abandoned both sugar and coffee as reasons and have found a brand new one—Commodore Dewey's splendid victory at Manila! Since he performed that immortal deed without our owning these islands they say that it is absolutely necessary for us to buy them in order that we may send reënforcements to him. Suppose Dewey had lost that battle; what then? Do you not know that the annexationists would have been yelling at the top of their voices that we need these islands because of his defeat?

Now, if his great victory proves anything at all about these islands it is that we have no earthly use for them, for he could not have done any better if we had owned all the islands in all the seas. [Applause.]

We are told that we need these islands as a strategic base in military operations. All the admirals, rear-admirals, commodores, generals, colonels, majors, and captains say so. How does it happen, then, that we have gotten along splendidly for one hundred and nine years without these volcanic rocks? If we did not need them when we were only three millions strong, why are we likely to perish for want of them now that we are 75,000,000 souls? Have we grown weaker as we have multiplied in population? Certainly no jingo will have the hardihood to maintain a proposition so preposterous. And yet that is precisely the conclusion to which their logic inevitably leads—which is the *reductio ad absurdum.*

But we had before the Committee on Foreign Affairs certain illustrious witnesses to testify in favor of annexation, to enlighten the beclouded intellects of the minority, and to convert us from plain patriotism to wild jingoism. Among others was Lieut.-Gen. John M. Schofield. Part of his evidence appeared

in the public press after it was edited carefully by some expert annexationist. By one of those curious coincidences that sometimes appear in human affairs the only portion of the general's evidence that was of any consequence or which could throw any light on the subject was eliminated from the press report. It was this, that on the entire coast of the Sandwich Islands there is but one harbor valuable for military or naval purposes or susceptible of being fortified. That is Pearl Harbor, and we already have that. What does this prove? It knocks the bottom clear out of the annexation scheme; it demonstrates that we do not need Hawaii even for strategic purposes, for, having Pearl Harbor, we possess all that portion of the islands that we need for strategic, military, or naval purposes without polluting and weakening our system of government by taking to our bosom a horde of Asiatic savages. Why, then, run the awful risk of beginning a policy of imperial aggrandizement and territorial expansion of which no prophet, not even General Grosvenor, can see the end or foretell the evil?

What is our patriotic duty, then? It is to hold Pearl Harbor and fortify it to the utmost. That removes all the dangers to our institutions. I am willing to vote every dollar necessary for that great work; and the fact that gentlemen will not accept that solution of the question is proof positive that their intention is to make the annexation of these islands the beginning of a general and extensive policy of territorial expansion.

And I warn gentlemen who solemnly aver that they are opposed to the policy of imperial aggrandizement, and yet who advocate this senseless scheme, that when some party in the days to come shall openly declare the whole program they will be estopped by this week's work from objecting. Now is the accepted time for killing this thing. This is the day of salvation.

We are told that we must have an island or we must perish. The jingoes here are as much fascinated by the prospect of having an island as was Sancho Panza. [Laughter.] It was his vision by day and his dream by night, and it brought him nothing but misfortune and unrest. Why this sudden and urgent necessity for an island?

It is said that we need it in case of foreign war, especially in case of a war with a great naval power. Is that true or not? Will we never learn anything from experience? How stands the record? We have waged three foreign wars, and come off victors in every one of them, without an island. In two of them we defeated England, the greatest sea power of the world, without an island to our name—once when we were only 3,000,000 strong,

and again when we could muster only 12,000,000 men, women, and children, counting the slaves. The strangest part of this glorious history is that the ocean was the very place where we thrashed England the most soundly—without an island. Indeed, had it not been for our victories upon the water, and for that matchless achievement of the Iron Soldier of the Hermitage at Chalmette, we would not have been in strictly prime condition for crowing over the war of 1812.

I have a question which I wish to ask the mathematical jingo solely for information. If, with a handful of raw militia, Andrew Jackson in one hour killed 2,600 English soldiers—the picked veterans of the Peninsula—with a loss of only 7 killed and 8 wounded, without an island, what in heaven's name would he have done to them if he had only had an island? [Laughter and applause.]

There are four Territories which we Southwesters are anxious to bring within the sisterhood of States—Arizona, New Mexico, Oklahoma, and Indianola. They are kept out now most unjustly because they are liable to vote the Democratic ticket and cocksure to vote for the free and unlimited coinage of gold and silver at the ratio of 16 to 1.

For fifty years New Mexico has been knocking at the doors of Congress, asking for Statehood, and she is still cooling her heels on the outside, notwithstanding the fact that she possesses all the constitutional qualifications, having a population greater than that of Nevada, Idaho, Montana, Utah, or Delaware.

What shall we think of the consistency of people who denounce these young mountain commonwealths as sage brush and rotten borough States, unfit to touch the immaculate skirts of prim, precise Massachusetts or to kiss the hem of the gorgeous garments of her imperial highness New York, and in the same breath propose to admit Hawaii, which is removed by 2,500 miles of ocean from our borders, and whose mongrel population consists of Hawaiians (pure and mixed), 39,504; Japanese, 25,407; Chinese, 21,616; Portuguese, 15,291; British, 2,250; Germans, 1,432; Americans, 3,080, including the largest and most repulsive collection of lepers beneath the sun?

> O judgment! thou art fled to brutish beasts,
> And men have lost their reason!

[Applause.]

Why is this monstrous proposition made? Let us be plain and state the truth though it shame the devil. This crime against free government is to be committed for three reasons:

1. Because some $5,000,000 of Hawaiian bonds have been sold in this country at about 30 cents on the dollar. We are asked to guarantee the payment of four millions of these bonds. The moment we annex the islands those bonds will soar to par and certain favored patriots possessed of inside information will reap a profit of 70 cents for every 30 cents invested, making a total of three and one-half millions—a very comfortable nest egg to have in the family.

2. There is a pressing necessity for two rotten borough Senators to eke out the single gold-standard majority at the other end of the Capitol.

3. But, above all, William McKinley will have sore need for the three electoral votes of Hawaii in the melancholy days of November in 1900, when he again faces at the polls the great tribune of the people, William Jennings Bryan, of Nebraska. [Applause.]

For these base and forbidden ends we are asked to do an act which will jeopardize the American Republic.

How can we justify either to ourselves or to our posterity the act we are about to commit? How can we endure our shame when a Chinese Senator from Hawaii, with his pigtail hanging down his back, with his pagan joss in his hand, shall rise from his curule chair and in pigeon English proceed to chop logic with George Frisbie Hoar or Henry Cabot Lodge? *O tempora! O mores!* [Laughter and applause.]

For more than a quarter of a century a persistent fight has been waged by the denizens of the Pacific Slope against the sublimated humanitarianism of the East to exclude Chinese immigrants from our shores. We supposed that we had finally settled the difficulty; but we are now coolly invited to stultify ourselves and undo the labor of many years by an act which will in one moment admit more Chinese into this country than the Chinese Six Companies of San Francisco would have imported in fifty years.

I press these questions home upon your minds and consciences: Are we ready to admit Chinese to citizenship? Are we willing that they shall have a voice in our affairs? Do we propose deliberately and absolutely without provocation to take that reckless leap into the dark? Do not a great many people believe that we have already gone too far in the attempt to assimilate all the peoples of the earth? Is not this question constantly asked: Is the American Republic endowed with the stomach of an ostrich that there is no limit to its digestive powers? Is there not a large, insistent, and growing sentiment in

this country in favor of restricting even white immigration to the able-bodied, the virtuous, the intelligent?

But we will be told that it will be made unlawful for Hawaiian Chinese to come to America. Believe them not. It cannot be done. The American Congress on a historic occasion by a superhuman effort solemnly enacted that it could not be done. I plant myself on the doctrine of *stare decisis* and declare that we must not violate the precedents of nearly a hundred years. The pioneer Missouri State makers, though in their honored graves, are avenged at last. They placed a clause in their first constitution prohibiting free persons of color from coming from other States and settling in that imperial Commonwealth. Secession was loudly threatened by the Northern contingent in Congress if that clause were not eliminated. For two years Missouri was kept out, and finally, as a condition precedent to her entrance into the Union, Congress required that her legislature should by solemn ordinance declare that that clause should forever remain a dead letter, and it was so ordained.

Now, after seventy-seven years, in order to smuggle in a few volcanic rocks in mid ocean, and to endow the variegated inhabitants thereof with the invaluable privileges and immunities of American citizens—in order to protect them with the old flag and to gladden their hearts with a four-million appropriation—this Congress proposes to do the identical thing which it declared it an unpardonable sin for Missouri to do. Missouri did not exclude free persons of color. Neither can Congress keep out the Hawaiian Celestials.

Annexationists with one accord will pooh-pooh the idea of danger to the Republic, and will solemnly asseverate that the acquisition of Hawaii does not presage further territorial expansion.

Believe them not, Mr. Speaker. Put not your faith in jingoes. Study that strange and intricate machine, the human heart. Consider the unconquerable Anglo-Saxon lust for land. Revolve in your mind whether greed has ever yet set limits to its possessions.

Review the whole history of the human race and tell us how many rulers have ever willingly alienated one foot of land over which they exercised dominion.

There is only one, and he shines forth a bright particular star among the sovereigns of the earth—the Emperor Adrian, who voluntarily relinquished vast territories, thereby setting bounds to the empire and preserving its life for centuries.

The way to remain sober is resolutely to refuse the first

drink. The way to cultivate "peace, commerce, and honest friendship with all nations," which Jefferson enjoined upon us, and to have "entangling alliances with none," which was part of his creed, and also of Washington's, is to decline this glittering Hawaiian bauble.

All history proves that the passion for acquiring territory grows with what it feeds on.

The moment we go beyond low-water mark our feet take hold of national death. There is no limit to our foreign acquisitions except our own wisdom and our own moderation, for we are now strong enough to work our will among the nations of the earth.

The entire Western Hemisphere and all the islands of the adjacent seas are ours, if we desire to possess them. No human power can stay our arms. Had we been animated by the spirit of universal conquest the scream of our eagles would long since have resounded amid the Andes and the Cordilleras.

When Robert Lord Clive was impeached for plundering the East Indians of a princely fortune, while admitting that he had appropriated vast sums to his own uses, he exclaimed in a fine burst of indignation: "By God, at this moment I am astonished at my own moderation!"

All land grabbers, big and little, have heretofore been astonished at our moderation, but it has been our strength, our glory, our salvation.

And are we now to reverse the policy of a century—that policy which has made us the wonder of the world?

We are invited to take the first step in that primrose path of dalliance which leads to the eternal bonfire. And where will we stop?

No reason can be urged for annexing the Sandwich Islands which will not apply with equal force to the annexation of something else and everything else.

"The Pearl of the Pacific" is the beginning of the end. Then "the Gem of the Antilles," for, if we need an island in the Pacific, why not one also in the Atlantic?

Indeed that preëminent twister of the British lion's caudal appendage, Senator Henry Cabot Lodge, of Nahant [laughter], is not to be satisfied with the one island of Cuba in the West Indies, so he has introduced a bill to purchase the islands of St. Thomas, St. Croix, and St. John; and many here are talking of annexing Puerto Rico, the Philippines, the Canaries, and the Caroline Islands.

The jingo bacillus is indefatigable in its work. Every day or

two some prophetic jingo, in the endeavor to excel all his tribe, proposes to annex the five seething, bubbling, eruptive Central American Republics. Jingoism appears to be more contagious than the measles, the smallpox, or the black plague, and let us fervently pray that it will not also prove more fatal. [Applause.]

That eminent publicist, orator, and author, Henry Watterson, has capped the climax of jingoism by proposing to annex Ireland. Somebody else asked "Marse Henry" why we should squander time and money annexing Ireland when we have already annexed the vast majority of the Irish?

One of my Missouri friends—a preacher in my church at that——

JOSEPH H. WALKER [Mass.].—What church is that?

MR. CLARK.—The Christian Church, vulgarly called the Campbellite.

HENRY U. JOHNSON [Ind.].—The fact that you are in communication with a preacher shows that antiannexationists are not outside the pale of salvation.

MR. CLARK (continuing).—wrote me last week to immortalize myself by proposing in this House to partition Spain, giving the largest slices to France and Portugal, with a piece around Gibraltar to England big enough to keep the British lion from roaring. You jingoes here are mere babes and sucklings beside my reverend brother from Missouri. You need to be fed on strong meat in huge chunks for a long time to bring you up to his exalted standard.

This whole annexation scheme reminds me of a game of cards, about which I know nothing [laughter], but of which I have heard a great deal, called draw poker—which has been solemnly adjudicated by a Nevada court to be a scientific performance and not a game of chance as popularly considered [laughter]—in which one of the most prominent features is "raising" your opponents until you "raise" them clear out of the game. Every jingo appears to be determined to "raise" all others in this bad and desperate game.

If we annex Hawaii and you, Mr. Speaker [Thomas B. Reed], should preside here twenty years hence, it may be that you will have a polyglot House, and it will be your painful duty to recognize "the gentleman from Patagonia," "the gentleman from Cuba," "the gentleman from Santo Domingo," "the gentleman from Corea," "the gentleman from Hongkong," "the gentleman from Fiji," "the gentleman from Greenland," or, with fear and trembling, "the gentleman from the Cannibal

Islands,'' who will gaze upon you with watering mouth and gleaming teeth. [Great laughter and applause.]

In that stupendous day there will be a new officer within these historic walls, whose title will be ''interpreter to the Speaker,'' for your ears will be assailed by speech in as many

TROUBLES WHICH MAY FOLLOW AN IMPERIAL POLICY

From ''Cartoons of our War with Spain,'' by Ch. Nelan

discordant voices as were heard at the confusion of tongues on the plain of Shinar at the foot of the unfinished Tower of Babel. [Applause.]

Let it not be forgotten that we went into this Spanish war on a solemn resolution, passed by both Houses of Congress and signed by the President, that we are not waging it for purposes of imperial aggrandizement or territorial expansion, but solely for love of humanity. It is not putting it too strong to say that that resolution raised us immeasurably in the eyes of all civilized nations, placed us on an unequaled pinnacle of glory, and made us many valuable friends in Europe.

Now, within six weeks of the passage of that lofty resolution, we are beginning to do precisely the reverse, putting ourselves

in position to be charged with acting with Punic faith and dragging our country down from the high pedestal on which we placed her, thereby reducing her to the low and common level of the land-grabbers of the Old World.

Some of the other inevitable evils of annexation are an increase in our standing army; an increase in our navy; a vast increase in our taxes. Unless the American people have made up their minds deliberately to do those three things we have no right to saddle such a load upon their backs—a load which will go on augmenting year by year so long as the world shall stand. Most assuredly I refuse to be a party to such an outrage upon those who, in the last analysis, must foot the bills.

Mr. Clark then discussed what the status of Hawaii would be after annexation. It had been proposed, he said, to make it a county of California, but to this that State had strenuously objected.

If we annex the islands we must govern them some way. If not as a State, or a county of California, then what? Do we propose to resolve this day that we will hold the people of these islands in perpetual tutelage as a territory, by which term we have hitherto meant a State in embryo?

A perpetual chrysalis existence as a territory is repugnant to the genius of our institutions and out of harmony with our entire history. Home rule has been our policy from the beginning, and the chief boast of the younger Harrison's administration was that it relieved the people of six territories from the reproach and annoyances of territorial leading strings and conferred upon them the glory and dignity of statehood.

Again, I submit that these people are not fit to vote in territorial elections if they are unfit to vote in State elections, which they clearly are, even according to the standard of President Dole's little oligarchy; otherwise he would not have so revised the voting lists as to confine the suffrage to 2,800 persons out of a total population of 109,000 souls—that is to say, about one-seventh as many people are allowed to vote now as were permitted to vote under the monarchy.

If, however, these people are fit for neither a State nor a county, nor a territory, what form of government shall we give them? Crown colonies like the English? Or shall we send American proconsuls to plunder these unfortunate people as the Roman proconsuls plundered the ancient world or set up a system of satrapies to be controlled by the central Government

here in Washington—a system utterly un-American in its character and contradictory of our entire theory of government?

We hear a vast deal of ecstatic talk about these leprous islands "falling into our laps," as if that were a reason for annexation. Are we such Simple Simons as to accept everything offered us? Because a hog with the cholera, or a sheep with the rot, or a horse with the glanders, or a dog with the rabies is given to us, by the same token we should annex him to our animal possessions and infect the whole lot with a loathsome and incurable disease.

We are to take them because, forsooth, they are given to us! That is the main argument for annexation, but even that is not the truth. Far from it. By these very resolutions we pay four millions for a starter. How many millions will finally go the same road Omniscience alone can tell. We are paying down cash on Mr. Dole's counter for these volcanic rocks nearly one-third as much as Thomas Jefferson paid for "the Louisiana Purchase."

No; it is not given to us. And if it were I would still say with the ancient poet, "*Timeo Danaos et dona ferentes*"—Beware of the Greeks bearing gifts.

For whose benefit and behoof are we to do this preposterous thing? Not for ourselves or our children, surely; for Hawaii has a tropical climate, beneath whose burning, blistering sun no Anglo-American can work outdoors.

Why not learn something from the great historic and scientific fact—for fact it is, though it may be amazing—that Teutonic civilization and representative government are coextensive with the wheat belt? They are exotics in the Tropics, and will wither and perish there.

Who is back of this annexation scheme? Who has worked up a sentiment in its favor? Who has maintained a lobby here to labor for its success? Who has enlisted a portion of the public press, and caused it to question the patriotism and cast insinuations against the integrity of the men who have the courage, the wisdom, and the patriotism to fight this colossal job?

I was long since taught that it is a sound practice when trying to fix responsibility for a crime to search for the person or persons who would reap the greatest profit from its commission.

Applying that rule of common sense to this case, to what conclusion are we irresistibly led? To this: That the sugar kings of the Sandwich Islands are the chief promoters of the scheme, because they are easily the chief beneficiaries. Even the holders of Hawaiian bonds are not in it with them, because all the bonds

ever issued by the Dole Government are not equal to the profits which the sugar kings will make out of annexation in each and every year henceforth and forever so long as they shall live, because annexation will make raw Hawaiian sugar come in free, and the sugar kings will pocket the tariff on the same, which amounts under the blessed Dingley bill to millions of dollars annually, and will grow as the Hawaiian sugar output increases, and is really a gift from us, which already exceeds $65,000,000.

But it will be answered that reciprocity already lets Hawaiian sugar in free, and therefore the kings have, and can have, no interest in annexation. Do not believe that for one moment, Mr. Speaker. The reciprocity treaty is a tiptop thing for the kings, but it is only temporary in its nature, and annexation would be a permanent blessing to them. I do not know much about stocks; I have had no experience with the ticker; but, mark my prediction, the moment annexation is an assured fact sugar stocks will soar skyward—a direction in which their owners will never go. To this low estate have we fallen at last that the sugar kings of the Sandwich Islands force us from the safe, wise, honorable policy of one hundred and nine years into a new, dubious, and untried policy which endangers our prosperity and is a menace to our very existence.

I would not be understood as asserting that members in advocating annexation are consciously influenced by the sugar kings or are in any manner corrupted by them. I am perfectly willing to admit that their motives are absolutely pure. Nevertheless, I believe that the sentiment in favor of annexation now, in the day of William McKinley, under the impulse of which members are rushing upon ills they know not of, is largely the work of the sugar kings, just as the sentiment favorable to annexation in the days of William L. Marcy was distinctively the creation of the propagandists of African slavery. As annexation was resisted and defeated by lovers of human freedom then, so it ought to be resisted and defeated by lovers of human freedom now.

To the Republicans who are shouting for annexation I commend the fine Shakespearean dictum, "Consistency, thou art a jewel."

The Republican party claims now—since emancipation has become popular and since the vote of our "Brother in Black" controls the elections in several close States—that it waged for four years a costly and bloody war to extirpate African slavery from this country. In 1861 the claim was that that awful war was for the preservation of the Union.

But if the Civil War was carried on to free the negroes, as is now claimed, how can Republicans justify themselves either in the forum of conscience or at the bar of public opinion for annexing the Sandwich Islands, thereby again grafting slavery onto the Republic? No man who has any reputation for veracity will jeopardize it by denying that coolie slavery does exist in the Sandwich Islands to-day as thoroughly as African slavery ever did exist in South Carolina or in Massachusetts up to the time when it was found to be unprofitable on that stern and rockbound coast. [Applause.] Furthermore, men of intelligence know that Chinese slavery is more brutal and more immoral than was African slavery in its worst estate, even in Massachusetts. It is a matter of common knowledge that Chinese men are sold into slavery, and that Chinese women are sold into and especially prepared by cruel surgical operations and physical mutilations for a species of slavery ten times worse than death itself.

Perhaps it may quicken the consciences, open the eyes, and dampen the ardor of certain jingoes here to know that organized labor is against this annexation scheme. This element, which justly looks to its own interests, and which is more and more every year finding ways to make its influence felt, opposes this Hawaiian job under the impulse of self-preservation, which has been wisely defined as "the first law of nature." The labor organizations of California, being nearest the scene, being at the point of earliest contact, and being the first who would suffer from competition with coolie slave labor, were very properly the first to sound the alarm. They were soon reënforced by an earnest protest from the American Federation of Labor, which demonstrates that workingmen throughout the land sympathize with their imperiled brethren on the Pacific Slope.

The Federation places its strong resolution against annexation on the ground that it "would be tantamount to the admission of a slave State, the representatives of which would necessarily work and vote for the enslavement of labor in general."

The corner-stone of this Republic is the proposition enunciated by Thomas Jefferson, the chief priest, apostle, and prophet of constitutional liberty—"Governments derive their just powers from the consent of the governed."

If that proposition is not true, then the American Revolution was a monstrous crime; Washington, Warren, Montgomery, Greene, Marion, and all that band of heroes were turbulent traitors to King George III; and all the blood shed in our two wars with Great Britain was wanton and wicked waste.

This annexation scheme is in flagrant violation of that basic principle of our Republic, for many thousand Hawaiians—more than the entire male adult population—have solemnly protested against the sale and delivery of their country to us by a little gang of adventurers who, claiming to be the whole thing, are offering to us a property of which they have robbed the rightful owners. And now America, which has been solemnly declared by the Supreme Court to be a Christian land, is to be made the receiver of these stolen Hawaiian goods.

But the jingoes tell us that this protest of the Hawaiians is all bogus, gotten up by designing knaves, and that the Hawaiians are falling over each other in their eagerness for annexation. If this is true, why not submit this annexation scheme to a popular vote in Hawaii, as was done in the case of Texas?

If a fair election on that proposition cannot be had, what assurance have we that fair elections can be had hereafter, if we annex these islands? If the Hawaiians are not fit to vote on a proposition of vital interest to themselves who will have the effrontery to say that they are fit to vote for all coming time on propositions of vital interest to us and to our posterity?

The propaganda which has been carried on openly in this city for the last five or six years by the agents of the Hawaiian sugar kings in favor of annexation is a disgrace to this Government and has lowered us in the eyes of ourselves and the rest of the world. It has no parallel in all history. Minister Hatch has lobbied for it. Ex-Minister Thurston has lobbied for it, and has written and sent a book in favor of it broadcast over the land, which book the Senate Committee on Foreign Affairs made a part of its report. Other lesser personages have lobbied for it. These not succeeding, at last appeared President Sanford B. Dole, in all his bewhiskered glory.

What other government on earth would permit the agents of a foreign government to come into its very capital and openly interfere with its affairs? Suppose, when the arbitration treaty with England was pending in the Senate, Queen Victoria had come to Washington to lobby for its ratification. Such a howl would have gone up as would have startled the man in the moon, and it would have been a howl of righteous indignation. If Sanford B. Dole was not here to influence public opinion and the action of Congress, what was he here for? And why make his visit in January, at the precise time that his precious treaty of annexation was being debated in the secret sessions of the Senate and was a few votes short of the necessary two-thirds majority?

Have we not always been extremely jealous of foreign officials

interfering with our affairs—yes, always, till now, and even now make an exception only in favor of the Hawaiian plotters?

Did not Washington drive the impudent, meddling Genet, minister of the French Republic, out of the country at the risk of a war with France when we were a feeble folk?

Did not Mr. Secretary of State Daniel Webster's dark brow grow darker when he thought of the brave Kossuth haranguing our people on our affairs?

Did not our Government demand the recall of Minister Sackville-West for his imprudent letter touching a presidential election? And did not his government, recognizing the justice of the demand, instantly recall him?

Was not the foolish and insulting letter of Minister Dupuy de Lôme about President McKinley and our people one of the things that irritated our people into demanding this war?

Why have not Thurston, Hatch, Dole, and all the rest been sent about their business and given plainly to understand that we need no instruction from them as to our duty or our interests?

Surely this is an amazing performance.

We hear much of "manifest destiny." That is a charming phrase. It tickles the ears of men; it panders to human vanity; it feeds the lurid flames of our ambition; it whets the sword of conquest; it is an anodyne for the troubled conscience, but it lureth to destruction. At the last it biteth like a serpent and stingeth like an adder. It is, however, no new doctrine. It is as old as the hills, "rock-ribbed and ancient as the sun." Years and years ago, stripped of all disguises and adornments, it was formulated by that eminent annexationist, Rob Roy, in this plain, blunt language:

> The good old rule, the simple plan,
> That they should take who have the power,
> And they should keep who can.

Moses placed his veto on this convenient theory of "manifest destiny" when with inspired pen on tables of stone he wrote this stern command: "Thou shalt not covet thy neighbor's lands."

"Manifest destiny" has been the specious plea of every robber and freebooter since the world began, and will continue to be until the elements shall melt with fervent heat.

It was "manifest destiny" which led Lot to overreach his uncle Abraham in selecting the rich lands of the valley, and you remember the weird story of Sodom and Gomorrah.

"Manifest destiny" led Philip's invincible son across the sea,

across the Granicus, even to farthest Ind, to build up an immense empire, which crumbled to pieces at his death.

"Manifest destiny" sent the Roman emperors to the burning sands of Africa, to the impenetrable forests of Gaul, to the inhospitable mountains of Asia, to the bottomless bogs of England, and at last put up the imperial crown for sale at auction to the highest bidder.

"Manifest destiny" caused Bajazet to desolate the fairest portions of Asia, and he ended by being hauled around in an iron cage as a ravening wild beast, which he was.

"Manifest destiny" impelled Mad Charles of Sweden to put all northern Europe to the sword until he met his Nemesis in Peter the Great at Pultowa.

"Manifest destiny" was Napoleon's gauzy justification for all the bones bleaching from Toulon to Mount St. Jean. He was always prating about his star; but it disappeared forever in the sunken road of Ohain, and he wandered from the stricken field "the immense somnambulist of a shattered dream."

"Manifest destiny" makes England the great bully of the world, oppressing the weak, toadying to the strong, laying up wrath against that day of wrath, that *dies iræ*, which is as sure to come for her as that a just God reigns on high.

Oh, yes! "Manifest destiny" is a seductive thing. It is the beautiful, the irresistible, the wicked Circe beckoning us on to our undoing. The entire pathway of man since the day when Adam was driven from Eden with flaming swords is black with the wrecks of nations who harkened to the siren song of "manifest destiny," and the epitaph upon whose tombstones is: "They were, but they are not."

Hitherto we have been the favorites of heaven; but let us not tempt fate too far or destiny will grow weary of partnership with us and dissolve it as she did with Napoleon at Waterloo.

Hawaii is the fly which will make our whole pot of ointment stink in the nostrils of the civilized world.

Let us put away this supreme temptation from before our faces, and generations yet unborn will bless us for this act of wisdom, self-abnegation, and patriotism.

Nature has set bounds to this magnificent Republic beyond which she should not go—the Atlantic on the east, the Gulf of Mexico and the Rio Grande on the south, the Pacific on the west, and in the fullness of time, without the expenditure of a dollar or the spilling of one drop of blood or the shedding of a single tear, the frozen ocean on the north.

Within those wide, extended limits we will live and grow

and flourish, the happiest, the richest, the most puissant, the most intelligent, the securest people on the whole face of the earth.

But depart from the plan of justice, of wisdom, and of moderation, go chasing the *ignis fatuus* of "manifest destiny" over land and over sea, and some day Macaulay's artistic New Zealander, after finishing his picture of the ruins of St. Paul's, will sit on a broken arch of "the Long Bridge" and sketch the ruins of this Capitol. Before you consummate this monstrous folly I say to you, in the language of Galgacus to the ancient Britons, "Think of your forefathers; think of your posterity!" [Prolonged applause.]

Mr. Walker.—Mr. Speaker, I hope I shall be able to relieve the House from any effects which may have been produced by the lamentations of its Jeremiah. [Laughter.] In the discussion and decision of this question there is not the first element or purpose of territorial expansion. We enter upon the discussion and decision of this question of accepting Hawaii in precisely the same manner and upon the same principles that we would enter upon the discussion of the question of building a ship of our navy. It is within as narrow limits as that question. It is clearly a question of our national defence, our national duty, our national existence, in the position in which the great Former of the destiny of nations has placed us.

I have struggled against this decision. I have been opposed to the annexation of Hawaii until I heard the shot of the guns of Dewey at Manila; and then I wakened to the importance of this question to the great destiny, as I believe, of this nation. No man has a moral right in his power and strength in any community to shut himself up within his own selfish interest and advantage and there live, seeking what he may for himself and forgetting those about him. Nor has any nation such a right. It has no right to cut itself off from all the moral obligations that rest upon it to secure righteousness and maintain peace in the great community of nations.

I do not make any claim that it is our duty to right the wrongs of every people and of every nation under all circumstances, but I do say that it is the duty of this nation to take its proper place among the nations of the world, and that we stand verily guilty before God if we do not do our full duty in maintaining peace in the world. We are seeking Hawaii for peace.

The roots of all moral courage rest in physical courage. The power of moral courage, in the last analysis, rests in the physical courage of the man or the nation, and the certainty that moral

courage will find exercise in physical courage and in physical action when duty calls. In order that we may have practical courage, physical courage, and moral courage we must have the means of legitimately exercising our physical power, else we are as weak as China when attacked by Japan. Where should we have been in this contest with the weak power of Spain ten years ago before we had developed a navy worthy of the name?

Mr. Speaker, I have become convinced that this nation, to maintain her self-respect and the respect of the nations and in the interest of peace, must have a navy as powerful as any nation in the world, ship for ship, man for man, fort for fort. [Applause.] We must have Hawaii as a part of our naval outfit. We must have the Nicaragua Canal as a part of our naval as well as mercantile outfit. [Applause.]

The time of our swaddling clothes has gone. We cannot shut our eyes to the fact that we have attained to-day to a stature such as none of us dreamed we should ever reach in our day, or even in that of our immediate children. We cannot shirk its responsibilities. We cannot return again to the place of a physical pigmy or a moral dwarf. [Applause.]

On June 14 William Sulzer (New York) supported the bill. He declared that annexation was a good Democratic doctrine, every increase of national territory save Alaska having come under Democratic administrations. One Democratic President alone opposed the policy: Grover Cleveland hauled down the American flag in Hawaii, and attempted to restore the disgraced and degenerate monarchy.

I am glad he failed. I believed then, and I believe now, that his action in this case was the most unwise, the most impolitic, and the most unpatriotic thing he did during his administration. I know many Democrats stood by him in Congress then, and some of them who are here to-day no doubt take the stand they do because they dislike to stultify their records. I said then, as I say now, that it was a sad mistake. The American people are not in sympathy with any man who hauls down the American flag in favor of monarchy. [Applause.]

When the Hawaiian monarchy collapsed it fell like a rotten tree on the bank of a turbulent stream, quickly to be swept away and never to be restored. It is not democratic policy to restore a dead monarchy in the place of a live republic on this

hemisphere. Our sympathies are all with the people, with free institutions; they are all against monarchies, and with governments deriving their just powers from the consent of the governed. The day is not far distant when a monarchical flag will not wave over an inch of territory on the Western Hemisphere or on the islands adjacent thereto. Jefferson's dream is coming true when this Western World, from Baffin's Bay to the Straits of Magellan, will be dedicated to freedom and to free institutions. [Applause.]

Mr. Sulzer denied that the annexation of Hawaii would be a departure from the Monroe Doctrine.

The Monroe Doctrine precludes foreign powers from acquiring additional territory on this hemisphere, but it surely does not prevent us from annexing contiguous territory essential to our own preservation.

On the 1st day of April, 1893, the American flag was hauled down at Honolulu. Five years afterward, under the same American flag, the booming guns of Dewey's battleships sounded a new note on the Pacific shores, a note that has been echoed and reëchoed around the world, and that note is that we are on the Pacific, that we are there to stay, and that we are there to protect our rights, promote our interests, and get our share of the trade and commerce of the opulent Orient. [Prolonged applause.]

The great powers of Europe are seeking new markets for their manufactured goods. They know that the markets of the world control the commercial destiny of nations. We must watch our rights and protect our interests in the Pacific. If we do not, I believe we will do the commercial interests in this country an irreparable injury. Our first step should be to annex Hawaii. That is the key to the whole situation. Our next step should be to build the Nicaragua Canal, and our third step should be to rebuild and reëstablish our merchant marine. Annex Hawaii, and all the others will follow like the day the night. Not to annex the islands now would be national folly; to annex them, security, peace, and national insurance. [Long applause.]

On June 15 Henry U. Johnson (Indiana), a Republican, opposed the bill. He maintained three propositions:

First. That the annexation of Hawaii to the United States is not necessary as a war measure in our conflict with Spain.

Second. That the annexation of the island is not necessary in order to prevent it from falling into the hands of some other great power, to be used by it to menace and attack our coast.

Third. That the annexation of Hawaii is of itself inherently wrong, and that it is the opening wedge which is designed to lead, and which will lead, to still further acquisitions of insulated foreign territory, and that such a policy is against the best interest of the country, and therefore ought not to be entered upon.

Mr. Speaker, this war with Spain furnishes simply a pretext for annexation, not a reason for it. Commodore Dewey, with his heroic sailors, has swept out of existence the only fleet which Spain had in Asiatic waters. His squadron lies unopposed in the harbor of Manila. That city is under the guns of his victorious fleet and is completely at his mercy. Is any man fool enough to believe that Spain dare send the only other squadron which she possesses, that which is designated as the Cadiz squadron and which is now maneuvering off the coast of Spain, to the Philippine Islands to relieve her forces there? The very moment she attempts it she leaves her own coast to be ravaged by the formidable fleet which we can with perfect ease and safety spare from our naval operations in the Caribbean Sea against Cuba and Puerto Rico. Nor is it possible to dispatch a Spanish army to the Philippines, for how can an army be sent without vessels of war to act as its convoy?

Mr. Speaker, it is admitted that we already possess a coaling station in the islands; that we have collected at Honolulu a large quantity of coal, and that, by permission of the Government of Hawaii, our war vessels and transports stop there and coal *en route* to the Orient. What more do we want there for war purposes?

It has been said that, if we do not annex these islands, when peace is declared between Spain and ourselves she will claim damages and collect them from these people for their violation of neutrality laws in our interest, and that she will punish them. All such talk, sir, is absurd. To assert that weak and impotent Spain can levy any damages against Hawaii or punish her because she has given us an opportunity to enter her ports and coal there during the existence of this war is simply ridiculous. Do gentlemen forget that the same fostering care upon our part that has maintained Hawaiian independence in the past will be exerted, if need be, to protect her hereafter, and that in the treaty of peace with Spain, a treaty that will be dictated by the United States, a clause can and will be

inserted, if necessary, upon our demand, releasing all claims against the Hawaiian Government by the Madrid authorities for any aid she may have afforded us during the existence of hostilities?

If Spain desires to visit punishment on the Hawaiian people, we can defend them when they are independent as well as though they are annexed to our own soil. We can easily come to their rescue without the necessity of political union with them.

But, Mr. Speaker, the annexation of Hawaii is not the ultimatum of the annexationists. It is but the entering wedge. Permit this act to be done, and you gain an impetus which you will find it difficult to resist. Its avowed purpose, its natural tendency, its irresistible consequence means that we are to proceed still further in extending our possessions and in the acquisition of foreign territory in no wise contiguous to our soil.

Mr. Speaker, is there not grave danger that this holy crusade for liberty and the independence of Cuba is liable, after all, to end in a disgraceful scramble for spoils, a scramble as disgraceful as any that ever characterized the people of ancient Rome? Is there not a disposition here to commit the American people, suddenly and before they can have an opportunity for calm thought and reflection, to a policy which will inevitably result in their injury; and which they will condemn when they have the time to grasp it in all its aspects and weigh it in all its consequences? Are we not acting here for posterity as well as for ourselves?

Why is it that gentlemen rush with indecent haste to pass this resolution now? Why is it that they are absolutely unwilling even to submit it to the people to be discussed pro and con at the polls at the next election?

Sir, I insist that this proposition for annexation should be postponed until after the next election, when our constituents can have the advantage of the arguments which have been made, and to the end that we may then come back here as their representatives, fully advised as to their judgment, given upon due deliberation, prepared thereby to execute whatever may prove to be their will.

Mr. Speaker, I do not believe that the masses of our countrymen favor this annexation. I do not accept the opinion of the Chief Executive as a just exposition of their views. Neither the clamor of certain of the press nor the demands of military and naval dignitaries should conclude them. But, even if the majority of our constituents are inclined to this measure, and

we believe their conclusion to have been reached without having the facts fully presented for their consideration, and that annexation will result in their injury and to the damage of our country, it should still be our high prerogative and our bounden duty to interpose a barrier between them and the evil they are about to embrace, until they have had the opportunity to review their opinions and make a final decision in the light of all the evidence.

Mr. Johnson then discussed his second proposition.

The logic which insists that we shall possess ourselves of Hawaii upon the ground that it can be used as a basis for menacing our coast proves too much. It goes too far. The same logic carried to its natural conclusion would require us to dislodge England from British Columbia in the Pacific and from Halifax and the Bermudas in the Atlantic, where for years she has held strongly fortified positions within easy range of our shores.

Let me call gentlemen's attention to this very significant fact, that we have had within easy striking distance of us for years these fortified strongholds of this powerful nation, and yet for nearly a century we have not had a single war with her. She has during all this period been unable to oppress us or deprive us of our rights. Every controversy we have had with her has been settled amicably and by the peaceful arts of arbitration, instead of resorting to bloodshed and the sword. In these modern days, sir, it does not follow of necessity that "lands intersected by a narrow frith abhor each other." It is possible to occupy adjacent territory and still preserve peace.

Mr. Johnson then opposed the view of the military and naval officers that the possession of Hawaii was necessary to our protection against foreign nations. These gentlemen, he said, viewed the opinions held on war measures by plain citizens with a compassion bordering upon contempt, yet their special interest in these matters was the very element which, by giving a bias to their opinions, vitiated the soundness of their conclusions.

Bred to arms, is it at all surprising that they should desire that which will give them opportunities for employment and

distinction? In times of profound peace, when our army and navy are small, and we have no colonial possessions to garrison, Othello's occupation is gone, and the opportunities for promotion are few and far between.

One does not have to be a graduate of West Point or Annapolis to be able to read the pages of history aright and to draw from them accurate and useful lessons as to the effect of territorial and provincial holdings upon the destiny of nations. Our military and naval officers may declare until they are red in the face, as they did before the Committee on Foreign Affairs, that we will require a less navy instead of a greater one after we have annexed Hawaii, and you and I are at liberty to believe it or not, as we see fit.

But to get back to the point at issue. It is claimed that if we do not annex Hawaii its people will voluntarily transfer the island to some other power. Mr. Speaker, I deny it. Never have the people of Hawaii manifested the least inclination to join their fortunes to that of any other nation on earth than ours. They have vigorously resisted at all times any suggestion of foreign domination by other countries. Their trade has uniformly been with us. They have had no inclination whatever toward the great nations of the Old World, from whom they are separated by thousands of miles of water.

For years their absolute independence has been guaranteed by the United States and by a joint treaty entered into between England and France. Are we to believe, then, that just at this time, when no nation is moving against them, when the treaty between England and France is still in force, and when we, stronger and greater than ever before, are still guaranteeing their freedom, they will consent to transfer themselves to some other country simply because we do not accept them? The idea, sir, is preposterous.

President Dole, in an interview which occurred in Chicago and was published in the New York *Journal* of the 24th of last January, was asked what would happen in the event that the United States rejected annexation. He answered: "Well, the republic is there. I do not know that anything would happen, except that things would go on as usual. I do not see any immediate danger from possession by any other country."

If, however, these people would not voluntarily surrender their autonomy, is there still danger that a foreign power may seize and hold Hawaii against their will—forcibly annex it, and thus obtain a base of operations against us in case of war with us?

This pretence has also been made, sir. When the report from the Committee on Foreign Affairs was made to the Senate on a resolution for annexation of Hawaii, there was written in the report a statement that England had designs upon the island. But, sir, the ink upon the paper that contained that declaration was scarcely dry before Sir Julian Pauncefote, pursuant to instructions from his government, hastened to make known to the United States that nothing of that kind was intended and to disavow all such purposes.

It has also been claimed that the Japanese were trying to colonize the island with a view of getting it under control and then turning it over to Japan.

Certainly the Japanese could not do this by peaceful methods, for in response to my question the gentleman admitted that, under the constitution and laws of Hawaii, the Japanese had not the right to vote. It is not denied that they are most of them on the island as contract laborers under a seven years' contract, without any political rights whatever. No sooner, sir, had this claim been made than the Japanese minister hastened to make a disavowal, not only on his own account but for his government.

The Japanese minister has further pointed out to us that Japan does not favor emigration of her people and that it has never been her policy to extend her territory beyond the zone which immediately surrounds her.

Sir, pass the resolution which the minority offers in this instance as a substitute for the annexation resolution of the majority, declare to Hawaii and the world once more our old doctrine that we guarantee the independence of the island and will maintain the same, and that no foreign nation must lay hands on it, and there is not a power in the world that would dare to violate the declaration, because it would know that a violation of it simply meant a terrible and destructive war with the greatest nation of modern times.

But, if there is any doubt upon this point, how easy it would be to settle it by an amicable arrangement. I myself had the honor to introduce into this House a joint resolution, now pending before the Committee on Foreign Affairs, which provides that the President of the United States shall appoint three commissioners on behalf of the United States to meet a like number of commissioners from each one of the leading nations of the world, at a conveniently early day, at Washington, to formulate a plan for an agreement, to be reported back to the respective governments for their adoption, forever guaranteeing the en-

tire independence of Hawaii, and prohibiting the taking possession of any part of its soil.

There is not a nation on the face of the earth that would not be willing to accept an agreement containing this proposition. England is committed to the principle; France is committed to it; Japan is committed to it.

If, however, it is thought that by inviting other nations to have a voice in this arrangement concerning Hawaii there would be a yielding up of the principles of the Monroe Doctrine, how easy it is to disavow such a surrendering except in this specific case in the very agreement itself, and to declare that the making of it by us shall not be construed as a warrant to the contracting nations for aggression in our hemisphere.

But, Mr. Speaker, it is contended that we already have a perpetual right to Pearl Harbor, which is the essential part of the Hawaiian Islands, under our second reciprocity treaty with that country. This harbor and its immediate environments are practically all that is necessary to be held for war operation and a coaling station. I grant you that whether we possess perpetual right in this harbor is a debatable question. Mr. Bayard has said that our rights there will expire when the treaty expires.

But, sir. I see it positively stated that Mr. Sherman has said and that Mr. Morrill has said that it was the understanding, when this Pearl River Harbor grant to us was inserted in the last reciprocity treaty with Hawaii, that it guaranteed to us a permanent right to that harbor. It is also stated that they have said that Mr. Edmunds, whose legal ability no man can gainsay, drew the provision with this very object in mind, and that he always put that construction upon it.

But I care not which one of these constructions is accepted. The fact remains that we can, if we want to, purchase Pearl Harbor of Hawaii and fortify it, and in my humble opinion we can purchase it without any difficulty. [Applause.]

Mr. Johnson then discussed the status of Hawaii after annexation. Referring to General Charles H. Grosvenor (Ohio), who had "scorned" to discuss this question, he said:

Indeed, all the other gentlemen who have advocated annexation have been careful to avoid this phase of the subject, adverting to it only when interrogated about it, and then dismissing it hurriedly with the declaration that the question will

be solved when the proper time arrives, that we can safely be trusted to determine the matter wisely, and other answers equally as vague and evasive.

Mr. Speaker, what kind of statesmanship is this which regards only present action and gives no thought to ultimate results? Is this the kind of "leadership" which we are to follow—the leadership which leaps without looking? I for one do not "scorn" to discuss the question, and I again ask what do we propose to do with Hawaii and these other insular territories when we get them? The demand for the immediate passage of the pending resolution makes this a present problem, and gentlemen cannot either ignore or evade it.

Mr. Johnson emphasized the arguments of Mr. Clark against admitting Hawaii a State, chiefly the one that the deciding vote of a Hawaiian Senator or Representative might direct the destiny of the nation.[1] This incapacity for statehood carried with it incapacity for the condition of a territory since government in local affairs was relegated to the inhabitants of our inchoate States.

There is but one other course left open to us. We must govern these islands as conquered provinces. We must hold them by the hand of stern repression, according to their inhabitants neither participation nor representation in our Government. It is thus that ancient Rome held her conquered territory. It is thus that England now holds certain of her tropical possessions. We must have our captains-general, our governors-general, our councils of administration, and our executive councils. We need not call our governing bodies by these very names, but they will possess and exercise the precise functions of these dignitaries.

But where do we find American precedent or authority for such a form of government as this? You will search for it in vain, though you ransack every archive and depository in the land. Nor can you find any sanction for it in the customs of our people. The Declaration of Independence, the spirit and letter of the Federal and State constitutions, the utterances and writings of the Fathers, every page in the *Federalist*, the teachings of our publicists, the decisions of all our courts, ay, the

[1] An exemplification of the power of the deciding vote was afforded in the Democratic convention of 1900, when Prince David K. Kawananakoa, a delegate from Hawaii, cast the determining ballot in favor of reaffirming the Free Silver plank of 1896.

very genius of our free institutions, as well as the invariable practices of our people, cry out in vigorous protest against it.

This Government of ours is "of the people, for the people, and by the people"; it contemplates no such thing as the holding of provinces with no right of local control and no hope of ultimate statehood. It was conceived in protest against the holding of men in servitude. It hath ever been and ever must be the antithesis to that odious system which holds possessions by the sword and draws sustenance from their products. Under our flag individual aspirations for liberty and citizenship are encouraged. If men are never to be qualified to participate in the blessings of free government, we should studiously avoid extending over them the folds of our starry flag. A name will avail us nothing if we abandon the essence of our polity. We cannot remain a republic and at the same time practice the methods of a despotism.

And where, may I ask, have we the machinery for the government of provinces? I know, sir, that we pride ourselves upon our capacity for political affairs; that we boast of our genius for administration. I have heard gentlemen say that whatever any other nation can do we can do also. Notwithstanding all this, I venture to suggest that we have no special training for the management of colonies and outlying provinces in the region of the Tropics, populated by alien and mongrel races. Great Britain, who has been beyond doubt the most successful of modern nations in this line, despite the many misfortunes which have plagued her in her colonies, is thoroughly equipped for such administration. She possesses a magnificent civil service, in which persons are specially educated and equipped for the government of her dependencies. With her favoritism is unknown in the selection of these officials. The most perfect qualification is required.

But how long would we tolerate such a system of selection of men for the administration of our tropical possessions; we who are constantly denouncing our civil service as an undemocratic and monarchical institution and are vociferously demanding its overthrow and destruction? Ah, sir, of one thing we may well rest assured: Whatever form of government we may confer upon these islands, the offices essential to the conduct of their affairs will be eagerly sought after with wild clamor by the henchmen of public men as rewards for political services which they have rendered to their masters. Favoritism in appointments will abound. Thorough equipment for the work will be largely ignored.

And what is to be expected, gentlemen, of an administration of a province conducted by such appointees as these? Away from the scrutiny of the home Government, they will prey like harpies upon the ignorant people, who will not only be incapable of defence but even incapable of protest. Injustice, peculation, and scandal equal to that practiced by Lord Clive and Warren Hastings in India will be the order of the day.

Our public officials will vie with the unscrupulous adventurers who will seek these islands in hopes of bettering their fortunes, in schemes for their enrichment by means of oppression and plunder. The great syndicates and trusts will find there a congenial field for their operations, where, away from the pressure of that public opinion which here imposes a certain degree of restraint upon their excesses, they will pursue their heartless and unconscionable practices without stint and without restraint.

These provinces, too, Mr. Speaker, will become the inevitable home for political intrigue. Here it will be that the unscrupulous politicians will lay their plans, will hatch schemes for the control not simply of dependencies but of States—of the National Government itself. The thunderbolts that are to be launched at a free people will be forged upon these islands, which, in our weakness and folly, we unconsciously dedicated to this hostile purpose.

Sir, we do not want Hawaii or any of these other islands. We do not care to assume their debts and obligations. We have enough debt of our own, now rapidly increasing day by day, to tax our resources severely and impose heavy burdens upon our people. Let Hawaii keep her volcanoes, which are extinct, and her leprosy, which is extant. Nor do we covet the vices and miseries of these heterogeneous populations of the tropics. Unlike the inhabitants of the temperate zone, they are wholly incapable of assimilation, and without capacity either to appreciate or embrace the genius of our institutions. General Garfield was right when he said, at the time the first treaty of reciprocity with Hawaii was pending, that there ought never to be any extension of our territory into the Tropics and that to do so would weaken both our Government and our people. Their possession will promote neither our happiness, our prosperity, nor our power as a nation.

We do not need any of this territory for the expansion of our people, for, unlike the thickly settled nations of the Old World, we have here a mighty area, a vast empire of our own,

amply large enough to accommodate with comfort any possible increase to which our population may attain in centuries to come. We have variety of soil and climate, diversity of industries, and unbounded natural resources and material wealth all at our command. Our fields are to be sown with grain, our mines are to be opened and worked, our factories are to be operated, and these are sufficient to occupy our time and our energies and to yield us an ample return for our endeavors. Why should we, then, abandon the development of that which is our own for these less desirable and less profitable lands, which none but those who are accustomed to the climate can cultivate with success?

Nor should we annex to our domain, Mr. Speaker, any territory whose people are many of them unwilling to consent to the annexation. Talk, sir, about the authority of the Hawaiian Government as you will (and no one disputes its *de facto* existence nor that it has the bare legal right to form a union with us by treaty, as provided in its constitution), the fact, nevertheless, remains, and it is useless to deny it, that a large number of the people there are strongly opposed to this movement. Of this we have ample evidence. Shall we now, as a free people, invoke the technicalities and brush aside the equities of the case to the end that we may receive in a spirit of cupidity a gift which the Dole Government cannot in honor and good faith proffer and which we cannot in honor and good faith accept?

Gentlemen, we do not desire to establish a precedent by making this acquisition. We appreciate that it will scarcely be made before it will be cited as authority for still further encroachments. Ah, Mr. Speaker, how easy it is to make a misstep! How difficult to recover ground once lost! How terrible the force of a wrongful inertia!

We oppose the pending resolution, too, because it involves a total abandonment of our cherished traditions.

I have heard those who oppose these efforts at annexation stigmatized, both here and elsewhere, as back numbers, as barnacles who impede the onward progress of the ship of state. It has been said that we are making now precisely the same arguments and predictions which were made against the annexation of all the vast territory whose subsequent history has added so much to the greatness of the country and has shown conclusively the fallacy of the objection urged to its annexation. Mr. Speaker, the gentlemen who indulge in this kind of prattle seem wholly incapable of drawing plain distinctions.

In the exuberance of their denunciation they seem to over-

look entirely the difference between annexing territory which is contiguous and territory which is insular, territory which is in the temperate and territory which is in the tropical zone, territory which our own people are capable of inhabiting and cultivating and territory which they can neither exist in with comfort nor cultivate without distress; between territory in which self-government is a possibility and territory in which it is wholly out of the question, territory which can be defended with ease and territory which can be defended only at great risk and expense.

Under this traditional policy of ours, sir, we have grown and developed until we have become the wealthiest and most powerful country upon the globe, far outstripping in progress the nations who have adopted and practiced the policy of insular acquisitions.

Concentration, sir, not diffusion, is the desideratum; a nation which is compact, not one which is scattered to all parts of the globe. Russia seems to have grasped the force of this proposition. She saw in Alaska a segregation which was her weakness. She was glad to rid herself of the danger. Her great power to-day rests no more upon her vast population and her autocratic rule than upon the compactness of her domain, from which she can send forth her mighty armies to attack and overpower, and yet be under no necessity of defending distant provinces from the assaults of her enemy.

Hawaii, Puerto Rico, Cuba, and the Philippines once a part of our domain, they become not sources of strength but sources of weakness. They are vulnerable places in our national armor which invite attack. They will be constant subjects for irritating differences with other powers—powers with whom our present isolation makes it easy for us to remain at peace and yet grow and prosper with unprecedented rapidity. It is the possession of outlying territory that to-day puts Spain in our power. Her diffusion is her greatest weakness.

With this territory wrested from her grasp, we will be better able to defend it than she; but reflect one moment, sir, at what an enormous outlay of trouble and expense. Admiral Irwin, himself a strong advocate of territorial expansion, admits that the adoption of such a policy will require us to maintain a navy equal in power to any in the world. Measure, gentlemen, the disparity between our own navy and that of the mother country, and then tell me what it will cost us to build such a navy, to say nothing of the cost of its maintenance.

But the navy is not the only arm of our service which will

be needed. Our army must be enormously increased in size, for these various acquisitions must be strongly fortified and garrisoned. And there, gentlemen, are also our increased reserves, and our coast defences, which must not be neglected, for this novel and splendid policy of empire which we are to inaugurate requires that we shall continue to defend our own shores as well as defend these islands which we are to acquire.

Mr. Speaker, this is a brilliant and a dazzling career that is being marked out for us; but will it pay? Will our people be the happier, the more prosperous, the more powerful, if they pursue it? The trained eye of Bismarck has been quick to grasp our situation and to see our folly, and he has declared that this proposed policy would be an intermeddling policy, leading to unavoidable frictions; that it would require us to become a military and a naval power—which he characterizes as an expensive luxury, rendered unnecessary by our geographical position. He has truthfully declared also that our change of front means retrogression in the high sense of civilization.

Mr. Speaker, are we to exchange the tranquillity which has been ours for the alarm and anxiety which are the plague of the people who thirst for universal empire? Are we to have war flurries which disturb business and international differences which check development? Our interest clearly requires that we should steer clear of an Anglo-American alliance, however much our sympathy may bind us to our kindred across the sea. But what nation which holds colonies has ever yet been able to avoid alliances with other powers in order to maintain her possessions against nations of envious and unfriendly disposition or whose interests clash with her own? Does not all history demonstrate that this is true?

Gentlemen, there is but one safe course to pursue. Let us avoid the segregation which leads to war and makes defence difficult. Let us preserve our territory compact, where our geographical position, our immense population, and our great resources render us impervious to successful attack. Our base of supplies is thus at our very backs; our lines of communication cannot be cut off. Let us apply ourselves to the correction of internal grievances by the passage of just and wholesome laws, and to the development of our wonderful natural resources. That we should have an adequate army and navy and coast defences is undoubtedly true; but let our mission be that of peace, and no nation is likely to disturb or to oppress us. It has not been done in the past; it is not at all likely to occur in the future.

But I have heard it said in this debate that we must acquire these possessions to increase our trade. Mr. Speaker, neither economic science nor human experience sanctions the theory that trade can only be built up by the annexation of territory. The logical way to increase our trade is to produce commodities superior in quality and cheaper in price than our competitors, and then to break down the walls of our tariff, except so far as the protection of our laboring population makes it necessary that it shall stand, that combines and trusts may not interfere trade, oppress the consumer, and grow wealthy upon the monopolies which they enjoy. Nor should we forget, sir, that trade is not the selling of commodities for money, but the exchange of commodities for commodities.

I confess my amazement that gentlemen on this floor who are stanch Republican protectionists should be urging so strongly the annexation to the United States of these tropical countries where cheap coolie labor, under the direction and control of great syndicates and corporations, can and will produce competing products of the American farm, such, for instance, as rice, sugar, and tobacco, cheaper than they can be produced here, and then transport them to our shores duty-free and sell them in the American market.

What is likely to be the effect, sir, upon the American laborer, especially the American farm laborer, of such a policy as this? I do not wonder, in view of the outlook, that the president of the American Federation of Labor has addressed a letter to the Speaker of this House protesting against the passage of the pending resolution. Mr. Speaker, this new policy of imperialism is against both the interest of the farmer and the interest of the laborer, and for this reason those who profess to be in sympathy with these classes should antagonize the policy at the very outset.

And, then, there is the Monroe Doctrine. Gentlemen, has this doctrine no corollary? What is it that has induced the trans-Atlantic nations to acquiesce in our domination in this hemisphere if it is not our disavowal of all intention or right to interfere in the affairs of the other hemisphere? And yet it is now openly declared on every hand by those who believe in this "march of empire" that we propose, having justly pushed our way to the very doors of Asia, to remain there after our necessity has ceased and establish ourselves forever as a factor in the local affairs of the Orient.

Think you that this course will increase European respect for the Monroe Doctrine and tend to increase its stability? Be-

ware, gentlemen, of the law of retaliation. We must take the burdens along with the supposed benefits of this novel doctrine which we are to embrace. Let us not be surprised if we become the subject of reprisals from abroad and if, in grasping for power there, we suddenly discover that we are in danger of losing power nearer home.

Mr. Speaker, in conclusion, there is one pathway out of this dilemma which is less dangerous than the rest. Why shall we not take it? Let us reject the proposition to annex Hawaii. Let us retire from Cuba as soon as possible after this war and the establishment of an independent and stable government by its people, thus keeping faith with the Cubans, the world, and ourselves.

Let us not hesitate to seize upon Spanish soil wherever the necessities of war may demand it for the sake of victory; but when peace is restored and our indemnity paid, let us restore her lost provinces to the government at Madrid, or, if Spain will not or cannot redeem them, let us dispose of them to some other nation, for we will hardly be able to find a purchaser who will not govern them more justly than she. This should be done for our own sake, not for the sake of Spain. Having done this, let us turn again to peaceful pursuits and to the realization of that glorious destiny which awaits us if we are only true to traditions which deserve to be imperishable.

Jonathan P. Dolliver (Iowa) supported the resolution. He paid Mr. Johnson the dubious compliment of having made the strongest argument against annexation in his two speeches (the first in the preceding year), and yet of attracting no more than the applause of the House—for he would find, when the question was taken, a singular absence of votes in the negative.

Mr. Dolliver put this dilemma to Mr. Johnson and the other opponents of the resolution:

We either have an interest in acquiring the islands or we have no interest in standing guard over them against others. If they are important enough to defend from others, they are important enough to acquire for ourselves. I for my part have more confidence in our own country than I have in any other country in the world. We know there is no nation in Europe that does not appreciate the strategic value of this halfway station in the ocean.

My friend started out with the proposition that it was not necessary for us in this war. That is not the question. This war is an incident, a noble and splendid incident, but only a transient incident in the life of a great community like ours. We are not dealing to-day altogether with the war with Spain. We are not acting for this hour, or for this year, or for this century, or for the next century; we are acting for the millenniums yet to come, with our hearts full of the sublime hope that the institutions planted by our fathers shall endure through long distant ages. [Applause.]

On the question of expert military opinion Mr. Dolliver said:

Most of us have a little hesitation in putting ourselves against the military authorities of our own times. My friend from Indiana has overcome that. I regret to see so good a man setting himself to write a platform for all the street-corner strategists of the country to stand on. It would seem that we have had enough of cheap and furious general orders issued on the dry-goods boxes in the villages of the United States.

When I want to get light on a military question I go to a man who has made war a study, and for that reason I cannot accept my friend's opinion of the military necessity for the annexation of the Sandwich Islands. I like the gentleman, and confide in his abilities as a lawyer, but in this matter I prefer to go to General Schofield, who says that from a military standpoint the annexation of these islands is a necessity to the United States.

We have also the authority of Captain Mahan, in some respects the most influential living authority in naval matters, an authority of war recognized by the whole world, who says that the annexation of these islands is of immense importance now and hereafter to the successful naval operations of the United States. Now, the gentleman from Indiana ridicules this, and says that the officers of the army and navy of the United States, having been educated at our academies, are circumscribed in their outlook and liable to give an unreliable counsel in these matters on account of the selfish prospect of their own promotion.

I am ashamed to listen to such a judgment offered upon this floor. Is it any wonder that my friend, who has pored over the Hawaiian question until he has lost confidence in the foremost

statesmen of both parties in the past fifty years, has also had his mind poisoned by the atmosphere which surrounds the position he has taken, until it appears credible to him that the opinions of our great soldiers and sailors are worthless, because, in his judgment, they are actuated by a desire for promotion in the national service?

Captain Mahan says that few ships of war can carry fuel enough to go from San Francisco to Asia without stopping to recoal, and he says that no ship can come from an Asiatic station to our shores to attack our coast and be able to get back without having a place to coal. Even a landsman can understand that; and therefore I put my faith in him when he points out that, since these islands must harbor the coal supply of the mid-Pacific, they literally command that ocean, so that if our country controls them we have in them an absolute protection for our coast. [Applause.]

My friend says you can go to China and the East by a shorter route. If that were true, it would not touch this question. This is a question of national defence, not a problem for passenger agents. The gentlemen from Ohio [General Grosvenor], in the great speech that he made in this House yesterday, quoted the statement of Captain Bartlett, former Hydrographer and now Chief of the Office of Naval Intelligence, in which he points out in plain terms the reasons which offset the geographical advantage of sending ships from San Francisco to the Orient by way of the Aleutian Archipelago.

And the explanation which he gives seems in my mind to be reasonable and conclusive. Ships going by that route encounter a current running at the rate of more than a mile an hour, and ships passing through that latitude encounter fogs and foul weather at all seasons, and therefore this practical student of the problem is convinced that that route is not advantageous, even if it is pursued by some lines of steamships. If what is said about this Alaskan port is true, it is another evidence of the farsighted wisdom of Secretary Seward in boldly rejecting the counsel of the enemies of that annexation in his day. But what has that to do with this question? What comfort is the United States to get out of this Aleutian harbor if a hostile squadron, approaching us from Asia, is admitted to the coaling privilege at Honolulu?

But my friend says we are about to annex all the Spanish islands, east and west, as well as this Hawaiian group. The American people will take care of the Philippine Islands when our campaign in the Orient is at an end. They will take care

of Puerto Rico; they will take care of Cuba, and that afflicted community will find in the hearts of our people, when our work in Cuba is done, the same sympathy, the same anxiety for their welfare, that persuaded the great Republic to enlist an army and send its navy on its mission of mercy and peace in the West Indies. [Applause.] My friend need have no fear. Every question that arises will be taken care of; but we must take care of the question of Hawaii first, because it had the floor fifty years before the other questions arose. [Laughter and applause.] Therefore, Mr. Speaker, I am in favor now and here of making an end to this controversy and raising in that fortress of the Pacific the old flag of our fathers, once hauled down, but about to be run up again, forever afterward to glorify the skies of the Southern Ocean. [Prolonged applause.]

William P. Hepburn (Iowa) supported the bill. Denying that the annexation of Hawaii necessarily committed us to a colonial policy, he nevertheless accepted the venture.

Who dares to say that, even if we should enter upon this new policy, the fate which befell the Roman Empire would be ours? Look at England. What would she be to-day if confined to her insular domain? The mistress of the seas? Ah, no! One of the leading nations of the earth? Ah, no! Giving her laws, her literature, and her civilization to all the world? Ah, no! Had there not been a Frederick the Great, who can say that the little Duchy of Brandenburg would have extended itself into the great German Empire of to-day? This same "greed," this thirst for annexation, this desire for new territory, this passion for extending civilization, has blessed the earth.

The statesmanship of the earth to-day is in favor of this system of colonization, of territorial expansion, of breadth and greatness and grandeur, of extension of empire. All the statesmanship of the world, save that of the Democratic party here in the United States, says "aye" to the proposition; they alone are halting in the procession. [Laughter.]

But, Mr. Speaker, how strange is this attitude of the Democratic party! Gentlemen, what inspires you now to this new departure? I say it is a new departure. Heretofore you have been the annexationists. Every argument that you have made here to-day or during this debate was refuted by the friends of Mr. Jefferson in 1803; again in 1819; again in 1845; again in

1848—refuted over and over again. Let me read a sentence or two of Democratic doctrine to remind you gentlemen how far you are departing from the faith of the fathers—your fathers, not mine, thank God! [Laughter.] Mr. Speaker, I read from a document that forty-odd years ago occupied more of public attention, that commanded more of the respect of the Democratic party, than any other single document that you can find, unless it is the Declaration of Independence:

Here the speaker read the Ostend Manifesto (see page 83).

That was your doctrine, gentlemen, only a little while ago. What now has become of your then passion for territorial aggrandizement? What has given birth to these new fears of yours? There was no fear in 1854 or in 1860 that through the acquisition of Cuba we should have implanted in the system of the body politic that thirst and hunger, that greed for territory which would lead us on to that kind of expansion that resulted in the destruction of Rome. No man seemed to care a "continental" then about Rome [laughter on the Republican side]; no Democrat in the land was howling then about the example and fate of Greece; no man was fearful that we should extend our territory over Africa and Asia and the islands of the sea. Are you gentlemen wiser?

The old men thought that what brought about the grandeur of their country, territorial expansion, was Democratic. The new men are unwilling that anything of that kind shall be done by a Republican Administration.

Mr. Speaker, I am not prepared to say how Hawaii would be governed if a part of the United States, but I undertake to say that if the Republican party is in power and has control that it will be well governed. If there is slavery there now, as gentlemen tell us, it will be obliterated. [Applause on the Republican side.] I can promise you that. If there are unjust laws there now, they will be repealed then. I cannot tell you whether Hawaii will be a State of the Union, or when. I undertake to say, however, that with the experiences that we have recently had [in Reconstruction of ex-Rebel States] they will be permitted to undergo such period of probation as will assure us that they are fitted for republican institutions. [Applause on the Republican side.]

Mr. Speaker, there are three methods of acquiring territory —by discovery, by conquest, by purchase. Each is legitimate

and recognized by the family of States in the law of nations. We are now engaged in war against Spain. It is our duty to cripple Spain in her navy, in her army, in her revenues, in her possessions. We hope, every patriot hopes, that Cuba, Puerto Rico, the Philippine Islands will be ours by conquest. [Applause on the Republican side.]

Successful war demands that this should be. When you gentlemen say that you will have none of it, are you praying that disaster shall come to our fleets and to our armies—that we may fail in conquering those islands? Surely I know that you do not mean that. Therefore you must be consenting that we may acquire in legitimate and lawful ways—by conquest—these possessions of Spain. What we will do with them afterward is a question for the statesmanship of this great nation. That we will act wisely I have no doubt. But, whatever we do with that territory, I am persuaded that this side of the House, and I believe that side, will insist upon retaining such portions of that territory as will enable us to meet all of the requirements of modern commerce. In the old days, with the old instrumentalities, we did not need the frequent friendly port. Now we do. We must have it or drop out of the procession of nations in their great effort to capture the commerce of the world. [Prolonged applause.]

The minority resolution was defeated by a vote of 96 yeas to 204 nays. The joint resolution of the majority was then passed by a vote of 209 to 91.

The resolution was referred in the Senate to the Committee on Foreign Relations, which reported it without amendment on June 17. It came up for discussion on June 20.

Annexation of Hawaii

Senate, June 20-July 6, 1898

Justin S. Morrill (Vermont) opposed annexation. He declared that it would advertise to the world the final wreckage of the Monroe Doctrine.

We cannot afford to denounce and forbid all acquisitions of territory in the Western Hemisphere by European governments, even at the peril of war, and forthwith embark in a thus bedamned enterprise ourselves. If we would have our yet un-

stained doctrine respected by others, we must scrupulously practice what we preach.

Some tears were shed in the former and confidential part of this debate for the reason that we, unlike European nations, had no colonies nor dependencies and were not alert in the seizure of ports and harbors of China, ostensibly to build up trade and commerce, as all Europe seemed to be doing.

Yet the monopoly of these ports and harbors, for their own exclusive benefit, appeared likely to provoke the hostility of other commercial nations, and therefore a trio of the China reformers, now led by Great Britain, at once agreed to make all these ports as free and open to the whole world as to themselves. The loudly proclaimed overwhelming necessity that the United States should begin to snatch by diplomacy or by force some foreign market place, or annex some foreign islands, or at least twist the tail of the British lion, has been, it now appears, overworked, and all of its varied pathos has fled.

The reciprocity treaty with the Hawaiian Islands of June 3, 1875, was an enormous blunder, greater even than that with Canada in 1854, on the part of the United States, as a brief examination of its practical operation will conclusively show. Thus exempting their sugar from duty by compact we gave to those who were unentitled to it by reciprocity or by furnishing our people with any cheaper sugar the power annually to intercept and take away from us millions of revenue on sugar for which no fair equivalent of commerce or of sentiment has ever even been pretended. To obtain more revenue we had just imposed on sugar extraordinary duties, and the remission of such duties on Hawaiian sugar and molasses, as might have been expected, gave enormous profits to the sugar planters and greatly augmented the Hawaiian production of sugar. Much of the most valuable sugar lands there were immediately largely monopolized, sugar machinery was swiftly and annually imported, and many thousand coolie laborers from China and Japan were suddenly brought and put at work in Hawaii at the coolie rate of wages.

In 1876 our imports of free sugar from Hawaii were only 26,000,000 pounds, but in 1896 increased to 443,000,000 pounds. The treaty ought long ago to have been terminated or reasonably modified, so as to have remitted not more than 10 or 20 per cent. of the duties on sugar, or no more than we may properly remit on the sugar of Brazil or Germany, where our trade would require and receive some reciprocal advantages in return. Some interested parties in Hawaii might regret a collapse in

their present enormous advantages, but our people would not regret to have this unreciprocated and quixotic boon no longer so extravagantly maintained at their cost.

Our home producers of sugar do not want to be confronted forever with the competition of free sugar produced by coolie labor which no American can afford to tolerate, much less to protect, as we are doing and as it is now proposed we shall do forever. Our election of 1896 was not won on a pledge of protection to the sugar production of Hawaii.

Senator Morrill urged the argument, with which the reader is already familiar, that the Hawaiian natives (nine out of ten of whom opposed annexation) were not fitted to sustain republican government; they might even restore the deposed Queen. Besides these Kanakas there were other non-American races in the islands—Japanese, Chinese, and Portuguese.

Certainly none of these could ever be safely counted in favor of leaving the "paramount" authority in the hands of the United States, and an army of sufficient strength, with the Stars and Stripes, would therefore be a permanent necessity to shield the islands from insurrections and revolutions.

One gentleman in this debate rests his argument for annexation on his belief that the Chinese and Japanese will be at once driven out of Hawaii by Americans and expatriated. All history will show that this is impossible. The few Americans there now could not do without their labor. No race is ever supplanted except by a hardier one—one that can endure more hours of labor and be content with cheaper and coarser food. The British troops took Quebec, but the Canadian Frenchmen remained in Canada. They are there now, and so is their language. We have had colonization societies for generations, and expended large sums of money in sending away colored immigrants, but wholly without success, because their labor is indispensable here, and it cannot be superseded by more acceptable labor.

It has been the happiness of the Republic of the United States that it has long and very distinctly had the benefit of a contrast with aristocratic empires and monarchies in relation to colonial dependencies. These arrogant aristocracies nurse their pride and dazzle their subjects with the obedience and enchantments of distant colonies and dependencies, but their condition is now, or was recently, on exhibition by their paternal and ma-

ternal wars and rumors of wars in India, North and South Africa, Madagascar, Egypt, China, Philippine Islands, and Cuba.

These perennial colonial flagellations, or life struggles of colonies and dependencies which refuse to stay conquered, require the increase of big home armies and bigger navies, which can only be maintained by the biggest taxes. The aristocratic empires push the inexorable demand of three to five years of the life of all their young men in military service, and then to be ready for further service until emancipated by the decrepitude of old age. These large standing armies threaten their neighbors, and their neighbors threaten everybody else by an increase of their battleships. Boundless public debts and double and twisted taxes leave their people poor, with no hope that these grim and stubborn exactions will ever be less.

Hitherto the statesmen of our Republic have kept clear of colonies and dependencies, for it need not be admitted that Alaska is an exception, nor that it is ever more likely to become one of the United States than any other part of the yet unappropriated North Pole. Our young men of the Republic are at school, or at work on the farm, or busy somewhere learning a trade or a profession from which they may derive a livelihood or the comforts of an independent home. They are not impressed for the regular army, which is so small as to be almost invisible, and wholly composed of volunteers. Two-thirds of our rebellion debt has been paid, and we fully expect to pay the remainder, and that it will speedily grow less.

The historic policy of the Republic of the United States for the hundred years just passed, based as it has been upon the sound doctrine promulgated by Washington in his farewell address with words of perennial wisdom against foreign entangling alliances, has taken root in the hearts of the American people, where it is treasured up as their political Bible and cannot now be "mocked at" as merely an ancient tradition. Its acceptance has made the nation great, made it respected. If our fidelity to the well-ripened statesmanship of the Father of his Country shall be perpetuated for the next hundred years as in the past, the honor, prosperity, and power of our republic, it may safely be predicted, will light and lead all the nations.

Augustus O. Bacon (Georgia) spoke against the resolution.

It is a question, if we pass this joint resolution, not only of one revolution, but of two revolutions. If we pass the joint reso-

lution we enter upon a revolution which shall convert this country from a peaceful country engaged in its own concerns into one which shall immediately proceed to intermeddle with the concerns of all the world. We enter upon a revolution which shall change the entire character of the Government, which is a government of equals, a government solely for the benefit of its citizens, into a government in which the flag shall float over communities that we would never agree should be equals with us in this Government.

That is a great enough revolution, Mr. President, but if we pass the joint resolution, we have entered upon a revolution which I consider even greater and more deplorable; that is a revolution where, because the majority has the power, it will in this body surrender the great treaty-making function which the Constitution gives jointly to the President and the Senate, and thus enter upon a field where the will of the majority shall obtain regardless of constitutional restrictions.

On June 30 William B. Bate (Tennessee) opposed the resolution.

Mr. President, there are two important considerations in this question: The policy and the right of annexation.

It is the commencement of indefinite extension of our territory. It will introduce a foreign dissociable element, the most heterogeneous mass that has ever been incorporated and which can never unite with Americans. It will introduce into our system the Roman proconsular service, an element foreign to American sympathies and habits. It will be commercially a disadvantage. They will purchase little and sell much. It is wholly in the interests of Hawaiian planters.

This step will demand a great increase of our army and navy, both results to be avoided if we adhere to our traditional policy. They will increase the expenditure and greatly augment taxation. They will greatly increase a class of men who will contribute nothing and must be paid and supported by the laboring element.

The movement is of doubtful constitutional authority. It has only the unauthorized authority of pressing and interested opportunity. It will increase the number of officers: with it will come paternalism, and, with that, strength to the great center and weakness to the outlying States. This continued process will by degrees wear away the muscular power of our great republic and dwindle it to a shadow and death.

In all cases the United States has annexed only territory ceded by governments having undoubted right to cede, and never from governments of doubtful ownership. They have never instigated revolution to get territory before this case.

The present oligarchy has no right to annex the islands. It is a government that has not the sanction of the people.

It is divesting a race of men of their right to country and government and putting them in a gradual process of extinction. The process has begun and will continue with accelerated speed.

The strength of the government depends on the unity and harmony of thought and action of the people. This results from the unity of race. Discordant races can never harmonize in putting into action political and social institutions. They can never agree completely in devising the best means to effect desired results. They necessarily take different views of governing forces as their intelligence and habits differ. Thus a government composed of different races will demand despotic rule to keep order and force obedience to law. In a republican government it requires the voluntary assent of the people which must come from them, and this can only be where the mass is congenial and act from similar motives and a uniform intelligence.

A mass of such heterogeneous races as now inhabit the Philippine and Hawaiian Islands will always be a source of weakness in a government ruled by the highest and most advanced races in the world. The present government of Hawaii is but an oligarchy of interested men placed in power and kept there by the power of this Republic. Our Government depends on the consent of the governed. The violation of this principle, whether by bribery and corruption or by force, will soon change the character of the mass and of the government. The higher races will not tolerate the less advanced races with the government. They will either purchase their action or force it. In Hawaii there is not one in ten, not more than 5 per cent. of the population, that understands the principles on which our Government is based, and they are incapable of understanding or conforming to them. It might be better in case of annexation to establish for them a despotic proconsular government. It would be better than the irresponsible oligarchy now existing sustained by the power of this Government. The political evil of introducing a mass of semi-barbarism is not any worse than the moral and social.

The annexation of Hawaii would be the entering wedge to a series of troubles in our country which could not be controlled

by our people in after years. It may be the beginning of empire; it would be the initiatory of a new theory of government and give impetus to that rule of military power which will result in the control of this Government by militarism.

I shall vote against these resolutions because their adoption will be an abandonment of the Monroe Doctrine and the inauguration of an Oriental policy, with all its consequences, and for which our Government was not designed or constructed and with which it cannot be administered.

I shall vote against these resolutions with the same integrity of motive which led this Congress to assure the world that this war was not for the acquisition of territory. And I shall vote against these resolutions because they are a practical violation of the Constitution when they transfer from the treaty-making power to the Congress a subject-matter now before the Senate in a treaty form and undetermined, and with which the Congress should have no connection until the treaty-making power has definitely acted.

On July 5 George F. Hoar (Massachusetts) supported the resolution.

Mr. President, the trouble I have found with this Hawaiian business is not in the character of the population of the Sandwich Islands, not in their distance from our shores, not in the doubt that we have an honest right to deal with the existing government there in such a matter, but in the nature and character of the arguments by which a great many friends of annexation have sought to support it. Then, too, some very good friends of mine, with whom I have been accustomed to agree all my life, look with an unconquerable apprehension upon this measure, and their judgment of itself would be enough to make me distrust my own opinion.

At the age of four score and eight years, the senior Senator from Vermont [Mr. Morrill], with his intellectual vision undimmed and his natural mental forces unabated, has contributed to this great argument the most powerful statement which has been made on either side of the question.

But, as I have said, the most important argument to my mind against this measure has been the character of the arguments by which it has been supported. If it be true that the passage of these resolves is to commit the United States to such a policy as we have heard advocated on this floor, and as has been advocated in many parts of the country in the press, then

George F Hoar

the people of the United States are confronted at this moment with the most serious danger they have encountered in all their history, unless we except the danger that slavery would be extended over the whole country or the danger that the rebellion would succeed.

If this be the first step in the acquisition of dominion over barbarous archipelagoes in distant seas; if we are to enter into competition with the great powers of Europe in the plundering of China, in the division of Africa; if we are to quit our own to stand on foreign lands; if our commerce is hereafter to be forced upon unwilling peoples at the cannon's mouth; if we ourselves are to be governed in part by peoples to whom the Declaration of Independence is a stranger; or, worse still, if we are to govern subject and vassal states, trampling as we do it on our own great charter which recognizes alike the liberty and the dignity of individual manhood, then let us resist this thing in the beginning, and let us resist it to the death.

I do not agree with those gentlemen who think we should wrest the Philippine Islands from Spain and take charge of them ourselves. I do not think we should acquire Cuba, as the result of the existing war, to be annexed to the United States.

I do not think we should undertake to rule, as I just said, over barbarous archipelagoes in distant seas. I do not think we should force our commerce upon unwilling nations at the cannon's mouth. I do not think we should enter into a struggle, lawless and barbarous, for the plunder of dismembered China. I do not think that a navy, on the whole, is the best instrumentality of a friendly intercourse with mankind. I do not think drums and trumpets and shouting and the clapping of hands and stamping of feet are the only arguments to be addressed to the statesmanship of a sane and Christian people.

But, Mr. President, I am satisfied, after hearing and weighing all arguments and much meditating on this thing, that the fear of imperialism is needless alarm.

Here Senator Hoar dwelt upon the small extent of the territory proposed to be annexed, 6,640 square miles, or one 343d part of the national area, and the small population, 100,000, or 13 hundredths of one per cent. of the national population.

We are to get a territory a fortieth part of the size of the State of Texas and a population not equal to that of a third-rate city.

But this does not quite state the case. The opponents of annexation say we should hold onto Pearl Harbor for all the needs of commerce or of war. So that the question is not whether we are to advance our flag into the Pacific for the first time, but whether it is, on the whole, best that the little scrap of territory and the little handful of people that dwell under the walls and at the gates of our great fortified place shall be under our lawful control or shall be under the control of some foreign country, perhaps a powerful country, perhaps a hostile country.

It is not a question of empire in the Pacific, small or great. It is a question of how far in that little group of islands the boundaries of that empire shall reach—whether we shall be there forever in a strait waistcoat and within stone walls, or whether we shall have about our walls a little breathing room and a little elbow room. And that, Mr. President, is the whole of it.

No; that is not quite the whole of it. We have a relation to this group of islands which we can permit no other power to hold or to share. They are to this extent under our dominion now, that they cannot be permitted to annex themselves or to attach themselves to any foreign country whatever. We exercise already, and we have exercised for two generations, a dominion over Hawaii which makes it impossible for her to contract not only a marriage alliance, but any other special treaty granting favors or exclusive privileges to any other nation on earth.

Gentlemen doubt whether we are not putting a constraint upon this maiden queen of the Pacific when, with the assent of her existing lawful guardians, at least, we propose to take her hand in marriage. But they have no scruple to tell her that although we will not have her she never shall marry anybody else. She shall dwell forever under the walls of our city and under the guns of our fortress, only half a nation, half a people, possessing half manhood and half womanhood only, in the condition of perpetual childhood and tutelage.

Neither do I think, Mr. President, we need to concern ourselves much with the argument of distance. It is true that it is 2,000 miles, or a little more, from San Francisco to Honolulu, but we have learned long ago to annihilate such space. The center of the territory of this Republic, if I am rightly informed, is already in the Pacific Ocean. The water line of Alaska equals the circumference of the globe if it were straightened out. It is 600 miles farther from San Francisco to Kiska—which gentle-

men on the other side tell us ought to answer our purposes as a way station on the road to the east—than it is from San Francisco to Honolulu.

My late colleague and friend, and the friend of all of you, Senator Dawes, is, as I think we all know, a man not much given to flights of fancy. But he uttered in my hearing at a little gathering of twenty or thirty men a few years ago a sentence worthy of being handed down in literature by the side of Mr. Webster's famous passage in his speech on the President's protest. Mr. Dawes said: "If we cannot say of our country, as Mr. Webster said of Great Britain, that her morning drum beat, following the sun, keeping company with the hours, circles the earth in a continuous and unbroken strain of the martial airs of England, we can say that before the sun sets upon Alaska it has risen upon Maine."

The utterances of the Fathers of the Republic, even the utterances of Mr. Webster and his contemporaries of a later time, so far as they speak of dealing with remote regions, have been rendered irrelevant by steam and electricity.

The ocean telegraph, and perhaps the telephone, will have that effect upon distance that the enterprising newspapers of Honolulu under our rule will tell their readers of events in Washington six hours before they happen. [Laughter.]

But it is said that until present conditions change very much the population of these islands must be governed under arrangements established by Congress, and not in the ordinary way of an American State. That is true. But that is in entire accord with the constitutional policy established by our fathers and maintained without any considerable complaint from their day to ours.

Mr. President, we are governing here by Congress now a population in this District of 300,000, I suppose, or thereabouts —larger than all but three or four of the States that formed the Union—simply because we do not deem it wise that the Congress of the United States shall sit where their protection against mobs and public disorders shall depend in times of political excitement upon the authority of any State, and we govern all these people without their being represented, and nobody complains, or thinks that it is a violation of American principles.

We govern Alaska also and we govern the Territories at the will of Congress, and I find no departure from our American principles in saying that this little population living near Pearl Harbor shall be governed as Territories are governed and as the

District of Columbia is governed until they are fitted to come in as a State.

Gentlemen tell us that the possession of the Sandwich Islands will not add to our security, but to our danger in a foreign war. They say that we must maintain a powerful fleet to defend them besides what we already have on our Pacific coast. But I have already suggested an answer to that argument. We settled that question when we acquired by treaty our rights in Pearl Harbor, and it will remain settled until Congress is ready to cede back Pearl Harbor to the Sandwich Islands. If we are to give up Pearl Harbor then there may be room for that argument. If we are to hold onto Pearl Harbor—as nearly every man who has spoken in this debate on the other side says we are—we must fortify it, we must defend it in case of war, and we do not want to run any risk that the power that tries to take it shall be already lawfully intrenched next door.

But I do not put this case upon any such ground. I think the acquisition of Hawaii by the United States is an extension of the domain of peace upon the habitable globe. I hope and expect that we shall come out of the present war, unless we indulge in the folly, as I think it, of entering upon a policy of acquisition and of aggression, after such fashion that no nation, small or great, powerful or weak, will desire to attack us for a hundred years.

Mr. President, we must, of course, have no doubt about the question whether we have an honest right to do this. If we have not, we are not going to steal Naboth's vineyard or to commit under any temptation an act of international dishonor. That is clear. But we have, in the first place, the assent of the Hawaiian Government. We cannot in matters of international dealing commonly go behind that. We would never permit any nation, small or great, who undertook to deal with us, to make the inquiry whether the President and the Senate of the United States did not represent the will of the American people, and there is no possiblity for any dealing under public law between nations on public questions which undertakes to go on any other theory.

I agree that in annexing a nation and merging its life with our own we would not take the act of a temporary usurpation in violation of the will of the people. We have heard repeated the charge that the present government in Hawaii was the result of a usurpation countenanced and fostered by the presence of the American forces. I think that argument is refuted by the fact that ever since and during four years when the Presi-

dent of the United States was notoriously in sympathy with the exiled Queen there was neither overthrow nor attempt to overthrow the existing government in Hawaii. The Queen and the Hawaiian monarchy are just as surely things of the past, a nightmare of the past, as are Mr. Cleveland and Mr. Blount and their mugwump followers.

The Americans want it, the government there wants it, the Portuguese want it, and the Hawaiians, to the best of my knowledge, neither know nor care whether they want it or not. They are a perishing people, and their only hope and desire and expectation is that, in the providence of God, they may lead a quiet and undisturbed life, fishing, bathing, supplied with tropical fruits, and be let alone.

They will fall, Mr. President, if we do not prevent it, a prey to Japan, not by conquest, but by immigration. This result all parties agree that we must prevent. Japan is not, according to the opponents of annexation of this body and in the press, to be allowed to get the Sandwich Islands, either by force or by absorption. If that be true, is it better, is it safer, is it more in accordance with the policy of a wise and well-considered peace, to prevent that by annexation than to have hereafter a war of force based on the doubtful principle of international law and the doubtful claim of right to which we must resort if we find that thing going on?

We did not consult the Indians in Texas or in California or in New Mexico or in Alaska when those Territories were taken into the Union. We did not consult the Indians when we declared our own independence.

Mr. President, I believe that this is a contest to be settled now peacefully or to be settled hereafter by force between America and Asia for the possession of this group of islands; that it is a contest between the domain of peace, which is America, and the domain of war, which is Asia. The danger is, as I have said, that there will be an infusion of Japanese and then an attempted annexation to Japan; and there is a more serious danger in undertaking to resist this hereafter by war than there is in preventing it now by the methods and instrumentality of peace.

Mr. President, of the population in 1896 there were 53,726 persons, one-half the entire number, without any regular occupation.

Now, when we are speaking of a great national choice, I prefer to take the opinion as to national destiny of the government and the men who carry on the schools and the men who rescued

the nation from barbarism and cannibalism, and the tradesmen and the fishermen and the laborers and the farmers and the mechanics, rather than the men who are without any occupation at all.

It would be as reasonable to take the vote of the children in an orphan asylum or an idiot school as to what should be done if a conflagration were raging in the street or if a flood were about to sweep away their building, as to consult these simple and helpless people about how to deliver them from this Oriental menace.

It is said they will come in as a State some time. But they will not come in as a State unless they are fit to be a State. If they have got hereafter a population of a million or fifteen hundred thousand of American lineage and American character and American ideals, a population like that of Washington or like that of Colorado, they will come in and we shall welcome them. But, if they are unfit, they will not come in; we never have been in a hurry about this thing. They said that about New Mexico when they made the treaty by which we acquired her fifty years ago. We have not admitted Alaska; we have not admitted the District of Columbia; we have not admitted Arizona. If they get a people there likely to select such men as Mr. Dole or Mr. Thurston or Mr. Damon for Senators and Representatives, they will be a very good people for Statehood and for American citizenship and American sovereignty.

Mr. President, there are two dreams of empire, two conceptions of destiny, two avenues of power presented to the gaze of the American people to-day. One is held out to us in the far East and in the West Indies as the result of military conquest; the other is held out to us in Hawaii by the children of the Puritans, who have redeemed those beautiful islands from barbarism and cannibalism, and show them as the harvest of seventy years of Christian and peaceful labor. The first is that which has been the ruin of the empires and republics of former times. It is that which has brought Spain to her wretched condition to-day. The second allures us in the path we have followed since liberty entered this hemisphere by the gates of Jamestown and of Plymouth, and the little handful of Puritans and Cavaliers came in, who have grown and multiplied until our temple covers a continent and its portals are upon both the seas. One is the dominion over subject people, and the rule over vassal states. It is forbidden to us by our Constitution, by our political principles, by every lesson of our own history and of all history.

The other is the invitation to willing and capable people to share with us our freedom, our self-government, our equality, our education, and the transcendent sweets of civil and religious liberty. In that path we have never yet known failure. Let us tread it, if need be, without fear and without flinching. Let us, if need be, take some risks in the holy cause of liberty. Let the light which illumines the continent shine also upon the sea.

Mr. President, the wise man in that sublimest of poems, the Book of Ecclesiastes, describes to us the decay of human strength and hope in old age. He tells us that "the keepers of the house shall tremble"; that "they shall be afraid of that which is high, and fears shall be in the way." This applies also with a still more terrible and emphatic significance to the disease and decline of states. The country that hath no growth in it hath no hope in it. That people that loses its courage loses with it everything else that is worth having.

We have made in the past acquisitions and additions into our empire to which that of the Hawaiian Islands is but as a drop in a bucket—is but as the dust that hangs upon the scales. We have never been afraid to venture our ship of state upon any voyage or in any sea.

> We sailed wherever ship could sail;
> We founded many a mighty state;
> Pray God our greatness may not fail
> Through craven fears of being great.

I think we can find no safer guide than the chart of our own experience. What has been good for us in the past will be good for us again in the future.

Some of our passengers will always be seasick. There will never to them be blue in the sky, or freshness in the gale, or light in the horizon, or hope in the heart. Our brave young country, especially in this Fourth of July season, will not look for its leadership to such counselors. We have never from the beginning looked to such counselors. Our New England prophet and poet[1] has struck for every American heart the note which belongs to the season and the opportunity:

> O tenderly the haughty day
> Fills his blue urn with fire;
> One morn is in the mighty heaven,
> And one in our desire.

Mr. President, it is not distance; it is not numbers; it is not

[1] Ralph Waldo Emerson.

vast space by sea or land; it is not hostile or rival nations that we have at this time to dread. It is a departure from American principles. It is the temptation to substitute for our fundamental law of political equality and our fundamental rule of political justice the dream of empire, the greed of gain, the lust of the flesh, and the lust of the eyes, and the pride of life. I would solve this problem which is upon us to-day. I would solve the greater and more dangerous problem which is upon us in the near future by this simple rule:

We will acquire no territory; we will annex no people; we will aspire to no empire or dominion, except where we can reasonably expect that the people we acquire will, in due time and on suitable conditions, be annexed to the United States as an equal part of a self-governing republic.

The joint resolution was passed on July 6, 1898, by a vote of 42 to 21. It was approved by President McKinley on July 8.

CHAPTER VI

Annexation of the Philippines

Sketch of the Filipino Revolution—The Treaty of Paris Provides for the Purchase of the Philippine Islands from Spain—Emilio Aguinaldo Declares Independence of the Philippines—George G. Vest [Mo.] Moves in the Senate a Joint Resolution Against Colonial Government by the United States—Debate: in Favor of Colonial Government, Orville H. Platt [Ct.], Joseph B. Foraker [O.], Henry Cabot Lodge [Mass.], John C. Spooner [Wis.]; Opposed, Senator Vest, George F. Hoar [Mass.], William E. Mason [Ill.], Marion Butler [N. C.], Augustus O. Bacon [Ga.], James H. Berry [Ark.], John W. Daniel [Va.]—Aguinaldo Rises Against the United States—Samuel D. McEnery [La.] Introduces Joint Resolution Disclaiming Permanent Government of Philippines; Senator Hoar Amends Same to Declare No Government at All Except by Consent of Filipinos; Amendment Tabled; Senator Bacon Amends Resolution to Declare Establishment by the United States of Independent Filipino Government; It Is Defeated and the Resolution Is Passed—Subsequent History of the Philippine War—The Issue of Anti-Imperialism in Subsequent Presidential Campaigns.

THE rebellion in the Philippines against Spain arose largely from the enmity of the people toward the monastic orders, which, by their ownership of great tracts of the best land in the islands, and their exemption from taxes, constituted an oppressive monopoly.

The nucleus of a revolutionary organization was afforded by secret societies, composed of anti-clerical Filipinos. The Masonic Order was introduced about 1860, and from its lodges sprang various patriotic secret organizations, one of which, the Philippine League, founded by the patriot and author, Dr. José Rizal, had for its chief purpose the expulsion of the friars. Rizal was expelled from the islands in 1887, and his writings were proscribed. However, the Spanish Governor-General of the Philippines, Primo de Rivera, virtually promised him immunity if he returned, and he did so in 1892. He was arrested almost on his arrival at Manila,

and convicted of having organized a secret revolutionary society known as the Katipunan. Banished to a remote place in the Philippines, he was permitted in 1896 to set out for Cuba to act as physician for the sufferers from an epidemic there of yellow fever.

At this juncture the Katipunan broke out into open rebellion against Spanish rule, and the authorities seized Rizal on his way to Cuba, and, bringing him to Manila, after a mock trial, shot him on December 30, 1896, as a traitor.

The insurrection centered in the province of Cavité, which was held by the rebels under Andrés Bonifacio, the head of the Katipunan, and Emilio Aguinaldo, its recognized military genius, until the spring of 1897, when, reinforcements having come from Spain to the Spanish general, Lachambre, this officer was able completely to shatter the organized power of the insurgents. The rebel leaders, however, contrived to extort from the Governor-General a compact known as the Treaty of Biacnabató, by which they received half of a promised payment of $800,000, and were permitted to withdraw from the country. They went to Hong Kong, a British island to the north, and, forming a Filipino Junta, continued their revolutionary plans. Fomented by them, and assisted by the money which had been received under the treaty, a patriotic rising took place in Luzon north of Manila in March, and in Cebú in April. Native soldiers in the Spanish army deserted to the rebels in regiments, but owing to lack of arms the rebellion remained ineffective.

Upon the day that war began between Spain and the United States Aguinaldo appeared in Singapore, and on April 24, 1898, had a conference there with United States Consul-General Pratt, the result of which was that Commodore George Dewey of the Asiatic Squadron of the American Navy arranged for Aguinaldo to follow the squadron to Manila.

On May 1, 1898, Commodore Dewey annihilated the Spanish fleet in the Bay of Manila. Aguinaldo arrived at Cavité on May 19 in the United States dispatch boat *McCulloch*. He had an interview with Dewey, the result

of which was that the Commodore supplied him with arms for the insurgents, whose number was increasing greatly every day by deserters from the Spanish forces, and by volunteers.

By the time General Wesley Merritt arrived with troops from the United States late in July Aguinaldo had retaken the province of Cavité, and, with the aid of Dewey, was investing Manila.

The city was surrendered on August 13, and was held by the American troops, while Aguinaldo and his Filipinos rapidly subdued the various provinces of the islands.

On August 12, the day before the surrender of Manila, a peace protocol was signed between representatives of the Governments of Spain and the United States at Washington, providing that the United States should hold the city and bay of Manila until a treaty of peace, negotiations concerning which were arranged, should be signed between the warring nations. On October 31, after the Peace Commission had been in session at Paris for a month, the United States commissioners, under orders from the Government at Washington, demanded the cession of the Philippines. In the treaty, which was signed on December 10, 1898, Spain ceded the entire archipelago of the Philippine Islands to the United States, and our Government agreed to pay Spain $20,000,000.[1]

Aguinaldo had no anticipation of such a disposition of the Philippines. Indeed, before the peace protocol was signed, he had organized a Filipino Government (on June 12), promulgated a provisional constitution (on June 23) in which independence was announced as the object of the revolution, and (on August 6) appealed to the nations of the world for recognition of this independence, and of the belligerency of his government, basing his claims on his conquest of the fifteen chief Filipino provinces.

[1] Thomas B. Reed [Me.], Speaker of the House, who was opposed to the annexation of the Philippines, declared that we had purchased the 10,000,000 inhabitants of the islands—"yellow-bellies" he called them—at $2 a head.

Acquisition of Territory

Senate, December 10, 1898-February 14, 1899

Anticipating the action of the Peace Commission on the very day of the Treaty of Paris, George G. Vest (Missouri) moved the following joint resolution in the Senate:

That under the Constitution of the United States no power is given to the Federal Government to acquire territory to be held and governed permanently as colonies.

The colonial system of European nations cannot be established under our present Constitution, but all territory acquired by the Government, except such small amount as may be necessary for coaling stations, correction of boundaries, and similar governmental purposes, must be acquired and governed with the purpose of ultimately organizing such territory into States suitable for admission into the Union.

Senator Vest supported the resolution on the 12th. When eminent statesmen, he said, were ridiculing the "swaddling clothes" made by Washington and Madison for the country, and revolutionizing a system of government under which we had grown great and prosperous, it was high time to examine into the powers of Congress in regard to the acquisition and government of new territory, and to ask whether the American people were ready to accept the new evangel of imperialism.

What is the colonial system against which our fathers protested? It is based upon the fundamental idea that the people of immense areas of territory can be held as subjects, never to become citizens; that they must pay taxes and be impoverished by governmental exaction without having anything to do with the legislation under which they live.

How can it be true that all governments derive their just powers from the consent of the governed when millions of human beings are held without their consent as mere chattels, to be disposed of as the sovereign power of the mother country may choose?

But, Mr. President, passing from this historic argument, which seems to me unanswerable, the highest tribunal in the

United States, the Supreme Court, has settled this question by a unanimous opinion, when the ablest lawyers in the country were upon the bench. I am now about to refer to a decision which I know will revive bitter memories unless those memories be happily eliminated by recent events. In the case of Dred Scott against Sanford, Chief Justice Taney, delivering the opinion of the court, which constituted the opinion of seven of the justices out of nine, effectually disposed of the question as to whether the United States could hold colonies without the intention or prospect of forming them into States and admitting them into the Union.

The portion of the opinion that I shall now ask the Secretary to read was acquiesced in by the nine justices of that court, including Justices McLean and Curtis, who disagreed with the majority in regard to the slavery question, but acquiesced in the opinion that this Government had no right to adopt the colonial system of Europe.

Here Senator Vest repeated the argument already given by Representative Dinsmore in the case of the annexation of Hawaii (see page 186).

Mr. President, I assert that the fundamental idea of our American institutions is citizenship to all within the jurisdiction of the Government, except to the Indian tribes. The Constitution makes an exception as to the Indians because their position was *sui generis* and entirely anomalous. As the Supreme Court said in the Cherokee-Georgia case, the Indian tribes are independent dependencies. We have recognized their right to their own tribal customs and institutions, and at the same time put upon them non-intercourse laws, and exercised by legislation the power of control.

With that single exception, all the people of the United States within its jurisdiction are to be citizens, and, whatever may be said in regard to the older inhabitants of new territory that may be acquired by this country, it is beyond any question, under the terms of the fourteenth amendment, that all children born within our jurisdiction, no matter what the condition of the parent is as to citizenship, are made citizens of the United States and of the State in which they reside.

NELSON W. ALDRICH [R. I.].—Does that apply to the Chinese?

SENATOR VEST.—Most unquestionably; and the Supreme Court so decided in March last in the case of Woo Chin, the

opinion being delivered by Justice Gray, of Massachusetts. The Supreme Court in that case not only decided that the child of Chinese parents born in this country becomes a citizen, but that Congress cannot take away the right of citizenship conferred by the Constitution on account of birth. If this is not settled by adjudication, nothing can be settled by the Supreme Court of the United States.

To return to the requirements of the fourteenth amendment. When we take jurisdiction over millions of acres of what is now foreign soil and bring under our jurisdiction millions of human beings, whatever may be the case as to the citizenship of the older inhabitants of those areas, their children born under the jurisdiction of the United States become citizens, entitled to all the immunities and privileges of citizenship. If this amendment does not provide this, it is absolutely nugatory and void, and so also is the fifteenth amendment, which provides that all citizens shall be entitled to the right of suffrage.

But, Mr. President, it is said that we have abandoned by precedent the application of the doctrine announced in this resolution, and that we have by legislative action admitted the right of the United States to acquire by purchase large tracts of territory to be held as colonies. I emphatically, distinctly, and without qualification deny that assertion.

When did we admit territory to be held as colonies? Was the Northwestern Territory brought under the jurisdiction of the United States in order to be held as a colony? The author of the Declaration of Independence was the author of the ordinance of 1784, called the ordinance of 1787, and in it provision was made that as soon as 5,000 white male inhabitants should be found in that territory they should have the right to elect a territorial legislature and pass laws for their own government.

Who will be reckless enough to say that Thomas Jefferson, who penned the words "All governments derive their just powers from the consent of the governed," would have degraded and branded with infamy that princely gift of Virginia to the country by inserting in it the hateful principle of the colonial system of Europe?

Did we depart from the doctrine I am here to-day advocating with all my strength when we admitted Louisiana, during the presidency of Jefferson, to the jurisdiction of the United States? In the act of cession from France is found a provision that as soon as possible the inhabitants of that territory shall be made citizens of the United States and the territory itself admitted as a State of the Union.

Did we give up the doctrine when Florida was purchased from Spain and brought within the jurisdiction of the United States? In the act of cession from Spain is contained the same provision that is found in the Louisiana purchase.

But we are told by eminent statesmen that when Alaska came into the Union we surrendered this whole question. When Russia ceded Alaska to the United States the same provision was put in the act of cession, that the inhabitants of Alaska as soon as possible should become citizens and Alaska be admitted as a State of the Union.

Mr. Justice Harlan, delivering the opinion of the Supreme Court in what is known as the Alaska case (steamer *Coquitlam vs.* United States), declared that Alaska was a territory of the United States.

When, where, how have we ever surrendered the great doctrine that this is a confederation of sovereign States and that there are known to the Constitution but four forms of government—first, the National Government, then the State government, then the territorial government, and then the District of Columbia? It is not possible to point out any other form of government under the Constitution.

But, Mr. President, I come now to the great, overwhelming, and crucial argument made by the expansionists in favor of this new system. Driven in desperation by the earlier history of our country and by the decisions of the Supreme Court to their last alternative, they claim that the territories, whether organized or unorganized—and newly acquired—are not subject to the Constitution of the United States, and that the Constitution applies alone to the States of the Union. They quote in support of this monstrous proposition—for I can denominate it nothing else—the great name and authority of Daniel Webster. I am sorry to say that Mr. Webster, for whose learning and ability I have the highest respect, permitted himself, in an acrimonious debate with John C. Calhoun on the government of the territory acquired from Mexico in 1848, to say that the Constitution did not apply to the territories.

I repeat that I have the highest respect for Mr. Webster as a lawyer and statesman, but the proposition he advanced is so monstrous as not to permit discussion. To say that the citizens of a Territory under the jurisdiction of the United States are excluded from the provisions of the Bill of Rights is to say that they are at the mercy of Congress without limitation; that Congress can prohibit the free exercise of religion; take away the right of trial by jury; take away immunity from unreason-

able search and seizure, and destroy all the great rights guaranteed by the Bill of Rights to all the people of the United States. For what did our fathers struggle?

For what did their descendants labor and toil if this monstrous proposition be now true? Fortunately for the country, and for human rights and constitutional liberty, the Supreme Court of the United States has, in repeated adjudications, settled this question, finally and forever against Mr. Webster's position. As early as January, 1820, Chief Justice Marshall, in delivering the unanimous opinion of the Supreme Court, in the case of Loughborough, decided emphatically that the term "United States" in the Constitution meant the States and the Territories and every foot of the soil over which the flag of our country floats.

Yet, despite this decision, it is now told us that one rate of taxation can prevail in the Territories and another in the States, notwithstanding the provision of the Constitution that all duties, imposts, and excises shall be uniform throughout the whole United States.

In 101 United States, in the case of National Bank *v.* The County of Yankton, Chief Justice Waite, in delivering the unanimous opinion of the court, said:

> All territory within the jurisdiction of the United States not included in any State must necessarily be governed by or under the authority of Congress. The Territories are but political subdivisions of the outlying dominion of the United States. Their relation to the general Government is much the same as that which counties bear to the respective States, and Congress may legislate for them as a State does for its municipal organizations. The organic law of a Territory takes the place of a constitution as the fundamental law of the local government. It is obligatory on and binds the Territorial authorities; but Congress is supreme, and for the purposes of this department of its governmental authority has all the powers of the people of the United States, except such as have been expressly or by implication reserved in the prohibitions of the Constitution.
>
> It may do for the territories what the people, under the Constitution of the United States, may do for the States.

Mr. President, now what can the people of the United States do for a State? Can they take away from the people of a State the right of trial by jury, or of habeas corpus, or immunity from illegal arrest and search and seizure, or take away from them the right of religious opinion?

I shall not weary the Senate by reading other opinions, but I will refer to them, and Senators can satisfy themselves. In the case of Thompson *vs.* Utah, decided in 170 United States, the Supreme Court unanimously declared that the right of trial by

jury in criminal cases to the people of a Territory could not be taken away by Congress and that the powers of Congress as to Territories were limited and defined by the Constitution of the United States and not unrestricted. They made the same decision in two other cases, the American Publishing Society *vs.* Fisher, 166 United States, 464, and Crandall *vs.* Nevada, 6 Wallace, 35. There can no longer be a question, nor the shadow of a question, that the Congress of the United States is as to the Territories limited in its action by the Federal Constitution.

Mr. President, I have not controverted, and do not propose to controvert, the power of the Federal Government to acquire and govern territory, but I do deny that territory can be acquired to be held as colonies, peopled by millions of subjects not citizens, with no hope or prospect of its ever becoming a State of the Union. I may be answered by the statement that this is not a practical question, because Congress has exclusive jurisdiction as to the admission of States, and it may hold this territory indefinitely without any idea of its ever coming into the Union; in other words, establish under cover and by fraud upon the Constitution the colonial system which the Constitution never contemplated.

I will not insult my brother Senators by supposing that they would thus evade the spirit and letter of the Constitution, and, when believing that the colonial system is not possible in this country, would vote to take in vast tracts of land inhabited by barbarians, intending never to allow this territory to come in as a State, but to hold it for commercial advantages alone, in violation of the fundamental law of the land. Whenever the Congress of the United States becomes so degraded as to do this, it matters little what occurs in the future. It is simply a question of time when the disastrous end will come.

Sir, we are told that this country can do anything, Constitution or no Constitution. We are a great people—great in war, great in peace—but we are not greater than the people who once conquered the world, not with long-range guns and steel-clad ships, but with the short sword of the Roman legion and the wooden galleys that sailed across the Adriatic. The colonial system destroyed all hope of republicanism in the olden time. It is an appanage of monarchy. It can exist in no free country, because it uproots and eliminates the basis of all republican institutions, that governments derive their just powers from the consent of the governed.

I know not what may be done with the glamor of foreign conquest and the greed of the commercial and money-making

classes in this country. For myself, I would rather quit public life and would be willing to risk life itself rather than give my consent to this fantastic and wicked attempt to revolutionize our Government and substitute the principles of our hereditary enemies for the teachings of Washington and his associates.

ORVILLE H. PLATT [Conn.].—Mr. President, I am not prepared to-day to speak on the joint resolution and answer the claims made by the Senator from Missouri, but, lest my silence should be misconstrued, I wish to state that I do not recognize the doctrine as announced in a dictum of the Supreme Court in a case in which, as the Senator says, all the rest of the decision has been set aside by the arbitrament of war, nor do I acquiesce in the law as stated by the Senator from Missouri.

I believe, Mr. President, that the right to acquire territory is an inherent right in the nation. That has been the doctrine of the nation ever since the Louisiana treaty was ratified and confirmed. It has been recognized by the courts that the right to acquire territory is an inherent right, because we are a nation, a right of sovereignty, and it has no limitations either in the Constitution or elsewhere. I shall hope to show, before action is taken upon the joint resolution, that the United States is not limited in its right to acquire territory by any restriction whatever; that if we are fighting a war and conquering territory, we need not stop as we go along and have our armies cease operations until there has been some declaration somewhere that we are going to make States of that territory.

SENATOR GEORGE F. HOAR [Mass.].—I desire to ask my honorable friend, who stated what he thinks, whether he believes we have the right, under the Constitution, permanently to govern subjects of vassal states, or people who have no constitutional rights of their own?

SENATOR PLATT.—I believe that our power to govern any province, country, or land which we have the right to acquire is full and plenary, and is given by that clause in the Constitution which says:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

On December 21, 1898, the President sent a letter of instructions to the Secretary of War that the United States military government of Manila city and bay be extended as soon as possible over the islands.

In performing this duty the military commander of the United States is enjoined to make known to the inhabitants of the Philippine Islands that in succeeding to the sovereignty of Spain, in severing the former political relations of the inhabitants, and in establishing a new political power, the authority of the United States is to be exerted for the security of the persons and property of the people of the islands and for the confirmation of all their private rights and relations. It will be the duty of the commander of the forces of occupation to announce and proclaim in the most public manner that we come, not as invaders or conquerors, but as friends, to protect the natives, in their homes, in their employments, and in their personal and religious rights. All persons who, either by active aid or by honest submission, coöperate with the Government of the United States to give effect to these beneficent purposes will receive the reward of its support and protection. All others will be brought within the lawful rule we have assumed, with firmness if need be, but without severity so far as may be possible.

It should be the earnest and paramount aim of the military administration to win the confidence, respect, and affection of the inhabitants of the Philippines by assuring to them in every possible way that full measure of individual rights and liberties which is the heritage of free peoples, and by proving to them that the mission of the United States is one of benevolent assimilation, substituting the mild sway of justice and right for arbitrary rule. In the fulfillment of this high mission, supporting the temperate administration of affairs for the greatest good of the governed, there must be sedulously maintained the strong arm of authority to repress disturbance and to overcome all obstacles to the bestowal of the blessings of good and stable government upon the people of the Philippine Islands under the free flag of the United States.

This proclamation caused the relations between the Filipino and American troops in the Philippines to become greatly strained, and in Washington as well as Manila it was felt that a serious outbreak on the part of Aguinaldo might be expected at any moment.

On January 9, 1899, Senator Hoar supported the joint resolution. He announced that it was with pain he disagreed with his party associates.

I am one of those men who believe that little that is great

or good or permanent for a free people can be accomplished without the instrumentality of party. And I have believed religiously, and from my soul, for half a century, in the great doctrines and principles of the Republican party. I stood in a humble capacity by its cradle. I do not mean, if I can help it, to follow its hearse. I am sure I render it a service; I am sure I help to protect and to prolong the life of that great organization, if I can say or can do anything to keep it from forsaking the great principles and doctrines in which alone it must live or bear no life. I must, in this great crisis, discharge the trust my beloved Commonwealth has committed to me according to my sense of duty as I see it. However unpleasant may be that duty, as Martin Luther said, "God help me. I can do no otherwise."

I am to speak for my country, for its whole past and for its whole future. I am to speak to a people whose fate is bound up in the preservation of our great doctrine of constitutional liberty. I am to speak for the dead soldier who gave his life for liberty that his death might set a seal upon his country's historic glory. I am to speak for the Republican party, all of whose great traditions are at stake, and all of whose great achievements are in peril.

Certainly, Mr. President, no man can ever justly charge me with a lack of faith in my countrymen, or a lack of faith in the principles on which the Republic is founded. I have, in my humble way, defended the character of the American people, their capacity for self-government, the character of the great legislative bodies through which that government is exercised, whenever and by whomsoever assailed. I do not distrust them now. But the strongest frame may get mortal sickness from one exposure; the most vigorous health or life may be destroyed by a single drop of poison, and what poison is to the human frame the abandonment of our great doctrine of liberty will be to the Republic.

Professor Creasy, in his "Six Decisive Battles of the World," well says:

> There has never been a republic yet in history that acquired dominion over another nation that did not rule it selfishly and oppressively. There is no single exception to this rule either in ancient or modern times. Carthage, Rome, Venice, Genoa, Florence, Pisa, Holland, and republican France, all tyrannized over every province and subject state where they gained authority.

My excellent friend, the honorable Senator from Connecticut, taunts me with doubt and fear. Well, Mr. President, I do

not think that I have been, am now, or am likely to be in a condition of much doubt in regard to this transaction. I am compelled to part company with the Senator. But I am very confident I am in the company of the framers of the Constitution, the signers of the Declaration, the men of the Revolution, and the great statesmen and lovers of liberty of every generation since until six months ago. As to fear, I will return the kindness of my honorable friend by suggesting to him that there is a fear, which I hope some time may possess him, which is defined by the highest authority as the beginning of wisdom. It is the fear of the Lord; the fear of doing wrong; the fear of usurping power; the fear of violating trust; the fear of violating the highest trust ever committed to mortal man—a restrained, delegated, and specific political power intrusted to him for the public ends, for the service of liberty and the benefit of the people.

The question before us is the greatest, I believe, that has been discussed among statesmen since the origin of government —certainly it is the greatest question ever discussed in this chamber from the beginning of our Government. It is: Have we the right, as doubtless we have the physical power, to enter upon the government of ten or twelve million subject people without constitutional restraint? Of that question the Senator from Connecticut takes the affirmative. And upon that question I desire to join issue.

Mr. President, I am no strict constructionist. I believe this country to be a nation, a sovereign nation. I believe Congress to possess all the powers which are necessary to accomplish under the most generous and liberal construction the great objects which the men who framed the Constitution and the people who adopted it desired to accomplish by its instrumentality. The men by whose hands Connecticut signed the Declaration of Independence, who in her behalf helped frame the Constitution, who represented her in either House of Congress in the great Administrations of Washington and John Adams, were of that way of thinking. But the man of them most thoroughgoing and extreme, Hamilton himself, Ellsworth himself, or Adams himself, would have looked with amazement, if not with horror, upon the doctrines asserted by the honorable Senator from Connecticut to-day.

Senator Hoar affirmed that every constitutional power is limited to the purposes of the Constitution as declared in its preamble.

Now, the liberal constructionists claim that everything which is done to accomplish any of these purposes, unless expressly prohibited, may be constitutionally done by the lawmaking power. And in that I agree with them.

The strict constructionist has claimed from the time of Madison that these objects can be accomplished only after ways and fashions expressly described in the Constitution or necessarily implied therein. And in that I disagree with him.

But when the Senator from Connecticut undertakes to declare that we may do such things not for the perfect union, the common defence, the general welfare of the people of the United States, or the securing of liberty to ourselves and our children, but for any fancied or real obligation to take care of distant peoples beyond our boundaries, not people of the United States, then I deny his proposition, and tell him he can find nothing either in the text of the Constitution or the exposition of the Fathers, or the judgments of courts from that day to this, to warrant or support his doctrine.

Further, the first article of the Constitution declares: "All legislative powers herein granted shall be vested in a Congress of the United States." What becomes, in the light of that language, of the Senator's repeated assertion that powers not denied may be so exercised? Is not legislative power a power of sovereignty? Therefore, according to the Senator's logic, every power of legislation that any foreign government—legislative, constitutional, limited, or despotic—may exercise may be exercised by us. We have heard of limited monarchies, constitutional monarchies, despotisms tempered by assassination; but the logic of the Senator from Connecticut makes a pure, unlimited, untempered despotism without any relief from assassins.

The question with which we now have to deal is whether Congress may conquer and may govern, without their consent and against their will, a foreign nation, a separate, distinct, and numerous people, a territory not hereafter to be populated by Americans, to be formed into American States, and to take its part in fulfilling and executing the purposes for which the Constitution was framed, whether it may conquer, control, and govern this people, not for the general welfare, common defence, more perfect union, more blessed liberty of the people of the United States, but for some real or fancied benefit to be conferred against their desire upon the people so governed or in discharge of some fancied obligation to them, and not to the people of the United States.

I declare it can be demonstrated by the whole contempora-

neous history and by our whole history since until within six months that it is a power which our fathers and their descendants have ever abhorred.

The idea that our fathers intended to clothe the Federal Government with such a sovereignty is as repugnant to me as the idea that because God created man in His own image He intended that he should be at liberty to commit murder or robbery or any form of bestiality because He had clothed him with the physical power to accomplish it.

Expositio contemporanea maxime valet.[1] The great contemporaneous exposition of the Constitution is to be found in the Declaration of Independence. Over every clause, syllable, and letter of the Constitution the Declaration of Independence pours its blazing torchlight. The same men framed it. The same States confirmed it. The same people pledged their lives, their fortunes, and their sacred honor to support it. There are undoubtedly, among its burning and shining truths, one or two which the convention that adopted it were not prepared themselves at once to put into practice. But they placed them before their countrymen as an ideal moral law to which the liberty of the people was to aspire and to ascend as soon as the nature of existing conditions would admit. Doubtless slavery was inconsistent with it, as Jefferson, its great author, has in more than one place left on record. But at last in the strife of a great civil war the truth of the Declaration prevailed and the falsehood of slavery went down, and at last the Constitution of the United States conformed to the Declaration and it has become the law of the land, and its great doctrines of liberty are written upon the American flag wherever the American flag floats. Who shall haul them down?

Now, Mr. President, it is quite significant that my honorable friend from Connecticut, with his customary candor and logical consistency, finds it necessary in support of his present position to assail and to deny that doctrine of the Declaration upon which our fathers based their right to make it and the right of the people of the United States to be a nation at all. I asked him whether, in his judgment, governments derive their just powers from the consent of the governed; and he replied: "From the consent of some of them." I do not understand that in conquering and subjugating and governing this people he proposes to get the consent of any of them. So his modified Declaration of Independence will not quite help him out. He

[1] Contemporaneous opinion is of the highest worth.

tries to find a halfway stepping stone before he gets from the ancient path of republican liberty which the fathers trod down into this modern swamp and cesspool of imperialism. But he has got to make the entire plunge without stopping on the way.

Mr. President, the persons who favor the ratification of this treaty without conditions and without amendment differ among themselves certainly in their views, purposes, and opinions, and as they are so many of them honest and well-meaning persons, we have the right to say in their actual and real opinions. In general, the state of mind and the utterance of the lips are in accord. If you ask them what they want, you are answered with a shout: "Three cheers for the flag! Who will dare to haul it down? Hold on to everything you can get. The United States is strong enough to do what it likes. The Declaration of Independence and the counsel of Washington and the Constitution of the United States have grown rusty and musty. They are for little countries and not for great ones. There is no moral law for strong nations. America has outgrown Americanism."

Mr. President, when I hear from some of our friends this new doctrine of constitutional interpretation, when I hear attributed to men in high places, counselors of the President himself, that we have outgrown the principles and the interpretation which were sufficient for our 13 States and our 3,000,000 of people in the time of their weakness, and by which they have grown to 75,000,000 and 45 States, in this hour of our strength, it seems to me these counselors would have this nation of ours like some prosperous thriving youth who reverses suddenly all the maxims and rules of living in which he has been educated and says to himself: "I am too big for the Golden Rule. I have outgrown the Ten Commandments. I no longer need the straight waistcoat of the moral law. Like Jeshuron, I will wax fat and kick."

Mr. President, if the United States forsake this doctrine of the fathers, who shall take it up? Is there to be no place on the face of the earth hereafter where a man can stand up by virtue of his manhood and say, "I am a man"?

In general, the friends of what is called imperialism or expansion content themselves with declaring that the flag which is taken down every night and put up again every morning over the roof of this Senate Chamber, where it is in its rightful place, must never be taken down where it has once floated, whether that be its rightful place or not—a doctrine which I shall have occasion to say before I get through is not only with-

out justification in international law, but if it were implanted there would make of every war between civilized and powerful nations a war of extermination or a war of dishonor to one party or the other.

If you cannot take down a national flag where it has once floated in time of war, we were disgraced when we took our flag down in Mexico and in Vera Cruz, or after the invasion of Canada.

I have made a careful analysis of the constitutional argument of the Senator from Connecticut. He says:

First. That the United States is a nation, a sovereign;

Second. That as a nation it possesses every sovereign power not reserved in the Constitution to the States or the people;

Third. That the right to acquire territory was not reserved, and is therefore an inherent sovereign right;

Fourth. That it is a right upon which there is no limitation, and in regard to which there is no qualification;

Fifth. That in the right to acquire territory is found the right to govern it;

Sixth. That this right to govern it is also a sovereign right; and

Seventh. That it is a right without constitutional limit.

The Senator from Connecticut proceeds to establish these propositions by citations from decisions of the Supreme Court; from Mr. Webster; from text writers, and from legislative precedents. Not one of these in the least helps him.

From these postulates the Senator reaches the conclusion that we have a right to conquer, hold, and govern a subject people of ten millions, without any constitutional restraint, such people being entitled to no constitutional rights, but subject to the uncontrolled will of the American Congress.

He says that he has faith in the Declaration of Independence. That declares that all men are created equal, and that governments derive their just powers from the consent of the governed, which he interprets to mean "from the consent of some of the governed," although, as I think I have said, I do not find that any of them are expected to consent in this case;

That he wishes I had the same faith in the Declaration of Independence that the fathers had;

That he prays that the sound of the liberty bell from the tower of Independence Hall, still ringing in his ears, may proclaim liberty to regions never dreamed of by the Fathers.

That proclamation he will make by turning our guns and bayonets, if need be, upon the people of the Philippine Islands,

compelling them to submit to a government whose powers, just or unjust, are not to depend upon their consent, compelling them to submit to taxation without representation, and depriving them forever of the equality which the Declaration of Independence, in which he still has faith, declares they were created.

The Senator thinks he finds a justification of his doctrine in the constitution of Massachusetts, which does not permit criminals or persons who cannot read or write to vote;

In the constitutional provision by which Congress exercises exclusive jurisdiction over the District of Columbia;

In the Louisiana treaty;

In the government of Territories before they become States; and

In the acquisition and government of Alaska.

Having completed this argument, my honorable friend from Connecticut joins his fellow expansionists in their enthusiastic chorus, reads me a lesson on fear and doubt and seeing lions in the path, and ends with a pious prayer for the faith and courage of the Fathers. The great doctrines of the Declaration and of the Constitution, which, I think, are lions in the path, he says are chained now, and that he can go quietly by them to his Malay Castle Beautiful in the distant Oriental seas.

He does not say what fathers. But I suppose, from his doctrine, he means Father Lord North, and Father George III, and Father Hutchinson, and Father Tryon, and the Tory fathers of Revolutionary times, for they are the only persons having any connection with the history of this country who ever believed one of his doctrines. He certainly does not mean Father George Washington, Father Thomas Jefferson, Father John Adams, Father Benjamin Franklin, Father Oliver Ellsworth. Their faces were all set inflexibly against his constitutional doctrines and his moral theories.

The constitutional argument for slavery was ten times as strong as the argument of the Senator from Connecticut. The slave master said he owned men for their good. The Senator from Connecticut proposes to own nations for their good. But the slave property had come down to the slave owner from his fathers.

To the constitutional doctrine of the Senator from Connecticut I desire to oppose mine. It is the doctrine on which I have acted and on which the party to which I belong has acted during the whole of my public life.

The sovereignty which can be exercised by the nation as a unit is only that which is necessary for accomplishing the pur-

poses of the Constitution, and must be either expressly granted therein or necessary or convenient, in the judgment of Congress, to accomplish the purposes expressly declared therein.

All other sovereignty is reserved to the States or to the people.

The power to conquer alien peoples and hold them in subjugation is nowhere expressly granted, and nowhere implied as necessary for the accomplishment of the purposes declared by the Constitution.

It is clearly shown to be one that ought not to be exercised by anybody—one that the framers of the Constitution thought ought not to be exercised by anybody—

1. Because it is immoral and wicked in itself.

2. Because it is expressly denied in the Declaration of Independence, the great interpreter and expounder of the meaning of the Constitution, which owes its origin to the same generation and largely to the same men.

3. It is affirmed that it is immoral and unfit to be exercised by anybody—in numerous instances by contemporary State constitutions and the contemporary writers and authorities on public law, who expressed the opinion of the American people in that generation who adopted the Constitution as well as of the men who framed it.

The power to hold property is implied, whether that property be land or chattels. It exists because—

1. It is essential to the accomplishment of the purposes of the Constitution. That is undoubtedly as true of the right to acquire and hold property in land as other property.

2. The power also is clearly affirmed by the letter of the Constitution, Article IV, section 3.

This power to dispose of the territory or other property belonging to the United States, and to make all needful rules and regulations respecting it, and the power implied from that provision, to acquire and hold territory or other property, like other constitutional powers, is a power to be exercised only for constitutional purposes. We have no more right to acquire land or hold it, or to dispose of it for an unconstitutional purpose than we have a right to fit out a fleet or to buy a park of artillery for an unconstitutional purpose.

One of the constitutional purposes is the enlargement of the country by the admission of new States, and therefore Congress may lawfully acquire, hold, and dispose of territory with reference to the accomplishment of that great constitutional purpose, among others. It may also acquire adjoining or out-

lying territory, dispose of it, make rules and regulations for it for the purposes of national security and defence, although it may not be expected that the territory so acquired, held, and disposed of shall ever come into the Union as a State. That is, as many people think, the case of Hawaii.

Now, the disposing of and the making rules and regulations for territory acquired for either of these purposes necessarily involve the making laws for the government of the inhabitants —forever, if the territory is not to come in as a State, or during the growing and transition period if and until it shall come in as a State.

But, Mr. President, it is to be observed, and it should not be forgotten, that all this is a constitutional provision which looks chiefly at the land and territory as mere property. And it applies, so far as its terms and its general spirit and purpose are concerned, equally to public lands within a State as to those which are without it.

The framers of the Constitution were not thinking mainly and chiefly, when they enacted that clause, of lawmaking, of the government of men, of the rights of citizenship. They were thinking of public property. Two things about this clause are quite significant. One is that it is not contained in the article which gives Congress general legislative powers, but is sandwiched in between the section providing for the admission of new States and the section providing for guaranteeing to every State a republican form of government, showing that they were not thinking of conferring a general legislative power over the inhabitants, and were only thinking, so far as the inhabitants of a territory were concerned, of the transition or expectant period while they were awaiting admission to statehood. And, Mr. President, you are not now proposing to acquire or own property in the Philippines with dominion as a necessary incident; you are not thinking of the ownership of land there. You propose now to acquire dominion and legislative power and nothing else. Where in the Constitution is the grant of power to exercise sovereignty where you have no property?

Now, Mr. President, the Senator from Connecticut undertakes to prove that we violate the principles of constitutional liberty and public law to which we appeal, and the principles of the Declaration of Independence which we invoke as interpreters of the Constitution, by saying: "Oh, you govern the people of the District of Columbia against their will."

Well, Mr. President, if it were true that our fathers, in dealing with 10 miles square, had inadvertently or inconsistently

neglected the great doctrines and safeguards of human liberty, I think we should govern ourselves in our public conduct by the grand general rule and not by the little, narrow, contracted exception.

But there is no exception. The District of Columbia, from the necessities of the case, must be within the control of the National Government, whose seat is here. You cannot have with safety a mob, if there be one, disposed to break the windows of this Capitol—a population who in times of turbulence or of civil war or of great and bitter political strife are under another authority than that of the Congress itself. Suppose at the outbreak of the Civil War Virginia and Maryland had possessed their ancient jurisdiction over this little territory!

The Senator from Connecticut cites the acquisition of Alaska as a violation of the doctrines of the Declaration of Independence, and as affording a precedent for what he defends—the organization of a despotism over 10,000,000 people.

Mr. President, the acquisition of Alaska was defended by Charles Sumner, intrepid advocate and martyr of liberty, to whom the Declaration of Independence was as another gospel. The difference between his purposes and those of the men who defend this new policy is apparent. The closing sentence of his great speech on the cession of Russian America, made in executive session and made public by order of the Senate, covering 170 pages in his collected works, sets forth the benefit which its acquisition by the United States will confer upon Alaska:

> But your best work and most important endowment will be the republican government which, looking to a long future, you will organize, with schools free to all, and with equal laws, before which every citizen will stand erect in the consciousness of manhood. Here will be a motive power without which coal itself is insufficient. Here will be a source of wealth more inexhaustible than any fisheries. Bestow such a government and you will give what is better than all you can receive, whether quintals of fish, sands of gold, choicest fur, or most beautiful ivory.

Is it true, my honorable friend from Connecticut, that before constitutions and before legislators all men are created equal, or is it true only of some of them?

Is it true that they are endowed by their Creator with certain inalienable rights? Or is it true only of some of them?

Is it true that among those rights are life, liberty, and the pursuit of happiness? Or are these for some of them only?

Is it true that governments derive their just power from the consent of the governed? Or is it from the consent of only some of them?

Does Connecticut, who voted the other way in 1776 and in 1787, vote that way now?

Is it true that liberty-loving Vermont, who up to this moment has never uttered a thought or spoken a word or given a vote but for freedom, is to repudiate these golden utterances now? Why, Mr. President, I should think the insulted eagle would forsake her mountains if it were reported that her vote had been cast to trample under foot these mighty doctrines of liberty.

Are the thought and the spirit to prevail, and the interpretation we are to give the great document that which secures liberty to the people of the United States, or to people everywhere where the flag floats?

Are you to take the spirit which maketh life, or the letter which killeth in this hour of great national temptation in one of the greatest actions and greatest eras in all history?

When you raise the flag over the Philippine Islands as an emblem of dominion and acquisition you take it down from Independence Hall.

A year ago last December the President of the United States sent a message to Congress. In that message he said:

> I speak not of forcible annexation, because that is not to be thought of, and under our code of morality that would be criminal aggression.

President McKinley, when he spoke, was not thinking even of honor or of power, inspiring and alluring as are honor and power. He placed himself and placed the American people on the stern, enduring, and perpetual rock of righteousness; that forcible annexation is not to be thought of; under our code of morality that would be criminal aggression.

Who shall haul him down? Who shall haul down the code? Who shall haul down the President?

Mr. President, that rock is like the rock of the Word—

> Whosoever shall fall on this stone shall be broken; and on whomsoever it shall fall, it will grind him to powder.

There are other things found in this Declaration which the Senator from Connecticut wishes I understood as the fathers did, which I commend to his most respectful attention. In enumerating the wrongs inflicted upon this people by George III, the Declaration says that he "refused to pass laws for the accommodation of large districts of people unless those people would relinquish the right of representation in the legislature, a right inestimable to them and formidable to tyrants only."

And now my honorable friend says that the same men who set their hands to that Declaration, and pledged their lives, fortunes, and sacred honor to its support, proceeded twelve years after to establish a government on which they conferred the power, exercised by George III, to destroy the right of representation in the legislature, to govern a people without it, and to forever extinguish and trample out that inestimable right, formidable to tyrants only. And not only that, but he is about, as I understand him, to proceed to vote to do it.

Further, our fathers in their terrible arraignment and indictment of the King for using these sovereign powers, which the Senator now claims belong to and are to be used by the President and Congress of the United States, says that the King had "made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries"; and yet he proposes to make judges for 12,000,000 people dependent on the will of the President only for their tenure of office, and on the will of Congress alone for the amount and payment of their salaries.

Further, they said that King George had "kept among us in times of peace standing armies," and "quartered large bodies of armed troops among us without the consent of our legislatures." I suppose somewhere in this Capitol men are at work to-day in devising ways and means for a permanent standing army to be kept in these islands, east and west, without the consent of anybody there.

They said King George had combined with others to subject us to jurisdiction foreign to our Constitution and not acknowledged by our laws, giving his assent to their acts of pretended legislation for quartering large bodies of armed troops among us; for imposing taxes on us without our consent; for depriving us in many cases of the benefits of trial by jury; for altering fundamentally the forms of our government; for declaring themselves invested with power to legislate for us in all cases whatsoever.

The Declaration of Independence declares that whenever any form of government becomes destructive of the ends therein stated it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. But the Senator from Connecticut thinks we have the constitutional right ourselves to institute a new government for that people, laying its foundation on such principles and organizing its

powers in such form as shall seem to us most likely to effect our safety and happiness without giving them the slightest voice in the matter.

And, further, the Senator must think, although he does not say so—I suppose he expects to vote so—that we have the right to turn our cannon, bayonets, and ships of war and armies upon that people if they attempt to exercise this right, and prevent them from doing it.

Our fathers taught us the priceless value of national credit, and to keep free from the burden of national debt. We have thought until lately that our strength came in a large part from our unsullied and unequaled public credit. If we were compelled in self-defence to enter into a contest with the strongest or richest power on earth, our credit would remain unimpaired until our opponent were bankrupt. If in time of war or public danger we were compelled to contract debt, we have supposed that the only policy of dealing with it in time of peace was to pay it.

But now the Senator from Connecticut seems to contemplate that we shall embark on a permanent system of national expenditure which will put this nation under an obligation the equivalent of which will be a national debt greater than that of any other nation on the face of the earth. Have you reflected that a permanent increase of our expenditures of one hundred and fifty millions a year—which we cannot avoid, and from which we cannot withdraw—is precisely the same thing as adding to our national debt five thousand million dollars, capitalized at 3 per cent., which is more than the Government is now paying, and that a permanent increase in our expenditures of three hundred millions a year is the same as increasing our national debt ten thousand millions, capitalized at 3 per cent.? I think it can be easily demonstrated that the policies on which we are asked to embark involve a permanent national expenditure much larger than the amount I have named. Our civil list, already so enormous, must be enormously increased. Instead of taking from the people by fair competition, or even by fair selection, men to take their share in self-government, we must have in the future, as they have in England, a trained class whose lives are to be spent, not in self-government, but in the government of other men.

At the close of the nineteenth century the American Republic, after its example in abolishing slavery has spread through the world, is asked by the Senator from Connecticut to adopt a doctrine of constitutional expansion on the principle that it is

right to conquer, buy, and subject a whole nation if we happen to deem it for their good—for their good as we conceive it, and not as they conceive it.

Mr. President, Abraham Lincoln said: "No man was ever created good enough to own another." No nation was ever created good enough to own another.

No single American workman, no humble American home, will ever be better or happier for the constitutional doctrine which the Senator from Connecticut proclaims. If it be adopted here, not only the workman's wages will be diminished, not only will the burden of taxation be increased, not only, like the peasant of Europe, will he be born with a heavy debt about his neck and will stagger with an armed soldier upon his back, but his dignity will be dishonored and his manhood discrowned by the act of his own Government.

I do not agree, Mr. President, that the lesson of our first hundred years is that the Declaration of Independence and the Constitution are a failure, and that America is to begin the twentieth century where Spain began the sixteenth.

The Monroe Doctrine is gone. Every European nation, every European alliance, has the right to acquire dominion in this hemisphere when we acquire it in the other. The Senator's doctrine put anywhere in practice will make of our beloved country a cheap-jack country, raking after the cart for the leavings of European tyranny.

Our fathers dreaded a standing army; but the Senator's doctrine, put in practice anywhere, now or hereafter, renders necessary a standing army, to be reënforced by a powerful navy. Our fathers denounced the subjection of any people whose judges were appointed or whose salaries were paid by a foreign power; but the Senator's doctrine requires us to send to a foreign people judges, not of their own selection, appointed and paid by us. The Senator's doctrine, whenever it shall be put in practice, will entail upon us a national debt larger than any now existing on the face of the earth, larger than any ever known in history.

Our fathers dreaded the national taxgatherer; but the doctrine of the Senator from Connecticut, if it be adopted, is sure to make our national taxgatherer the most familiar visitant to every American home.

Our fathers respected above all the dignity of labor and rights of human nature. The one thing created by God a little lower than the angels was a man. And they meant to send abroad the American flag bearing upon its folds, invisible per-

haps to the bodily eye, but visible to the spiritual discernment, the legend of the dignity of pure manhood. That legend, that character, that fundamental truth, is written in the opening sentences of the great Declaration, and now the Senator from Connecticut would repeal them. He would repeal the great charter of our covenant. No longer, as the flag floats over distant seas, shall it bear on its folds to the downtrodden and oppressed among men the glad tidings that there is at least one spot where that beautiful dream is a living reality. The poor Malay, the poor African, the downtrodden workman of Europe, will exclaim, as he reads this new doctrine: "Good God! Is there not one place left on earth where in right of my manhood I can stand up and be a man?" Will you disregard every lesson of experience? No tropical colony was ever yet successfully administered without a system of contract labor strictly administered and enforced by the Government. I will not speak of the thirteenth amendment. In our parliamentary practice amendments fall with the original bill. This amendment will fall with the original Constitution.

Mr. President, this spasm of folly and delusion also, in my judgment, will surely pass by. Whether it pass by or no, I thank God I have done my duty, and that I have adhered to the great doctrines of righteousness and freedom which I learned from my fathers, and in whose service my life has been spent.

On January 10 William E. Mason (Illinois) spoke upon the following resolution which he had submitted on the 7th of the month:

Whereas, all just powers of government are derived from the consent of the governed: Therefore, be it

Resolved by the Senate of the United States, That the Government of the United States of America will not attempt to govern the people of any other country in the world without the consent of the people themselves, or subject them by force to our dominion against their will.

SENATOR MASON.—Distinguished editors, writers, and statesmen tell me that this doctrine of governing people without their consent is a part of the platform of the Republican party, and they would discipline me because of my opposition. Who dares speak for the Republican party before its convention meets? Who holds in his hand the voice of that great body of liberty-loving men?

That party sprang from the womb of conscience; its great fight was for human liberty; and I prophesy that when the

Republican party meets again in convention, if the delegates represent the conscience of its constituents, the old plank for human liberty will go in again, and the rafters of our convention hall will ring again and again, and yet again, when we declare, as we will, for independence in the Philippine Islands, as we did two years ago for independence for the people of Cuba.

Mr. President, I may be charged with speaking for rebels. When did they take the oath of allegiance to our flag? Name the hour when they have not claimed the right of independence. I am speaking one word for the Philippine Islands, but I am speaking two words for my own country. A boy treading upon an ant, his father said: "Don't, my boy; that is cruel." A learned man said: "The ant has no nerve centers and cannot suffer." "Ah," said the father, "I am speaking one word for the ant and two words for my boy." The one thing that has dwarfed the white race more than any other is its stooping to hold the black man down.

The law of compensation is as unfailing as the law of gravitation. There is no vicarious atonement for a nation's crime. For a hundred years in this country we piled up the wealth of unrequited toil of the slaves. We said, "This is the land of the free and the home of the brave," and sold women and children to the highest and best bidder for cash. We atoned for that crime with a bloody war.

You cannot govern the Philippine Islands without taxing them. You have not yet their consent to tax them. You propose again to tax without representation. Look out for tea parties. Those semi-social functions are liable to occur, for Yankee Doodle and Dixie and the Star Spangled Banner have been heard in the Archipelago.

But, Mr. President, we are told that the Filipinos can govern themselves. Where is the student of evolution who talks like this? Where is the man who has read who does not know that all government is made to fit the people and does not rise either above or below the people themselves? Who does not know the difference between "canned liberty," as the distinguished Speaker of the House [Thomas B. Reed] calls it, and the genuine liberty which we enjoy?

No, no; they cannot govern themselves. I was told so the other day by one of my beloved constituents, who never governs himself fifteen minutes at a time; but he was willing to take an assignment under the present Administration to govern all the Philippines at a fair salary. [Laughter.]

Cannot govern themselves! Every man who ever owned a slave always said: "Why, you poor, downtrodden slave, I own you for your own good, just to help you; I eat my bread in the sweat of your face just to keep you safe and sound from the ways of danger; and in order that I may continue to exercise this Christian duty do not let me catch you with a spelling book in your hand." [Laughter.]

Cannot govern themselves! And we are to say that to-day to the poor, God-forsaken, downtrodden people of the Philippine Islands; and, while we whisper the words of consolation into their ears that we are to give them liberty and life, we wink the other eye to the merchants of the country, and say: "We will extend commerce and sell more calico." [Laughter.] My distinguished friend suggested this morning that we ought to rake those islands with our guns and compel their people to wear shirts—not that they need the shirts, but to increase the demand for calico. [Laughter.]

We are to go to those people and say to them, notwithstanding Dewey said they are competent to govern themselves—he had handled them without guns; he had had no trouble with them; he had an understanding—we are to say to the people of the Philippine Islands, "You poor, God-forsaken creatures, this thing of sovereignty is a great thing; we bought yours somewhere across the water."

We are told by others that we must govern the Philippine Islands or abandon them and turn them back to Spain. Are we going to do that with Cuba? Oh, no. We have said to Cuba: "Go along, my little friend; there is your flag and there is your new republic; you are a friend of the great Republic and not its slave. We have helped to set your flag in the sky. Go on, my brave young republic, and while Yankee Doodle is whistled on this continent no foreign power shall ever invade your soil." Have we got to govern or abandon Cuba? Is that an honest excuse for grabbing something in violation of the common, honest law of nations?

Not one expansionist, not one who advocates the taking of these islands against the consent of the people, but what will tell you in the same breath: "Yes, it is going to be a great tax upon the people of the United States, but we will let the Filipinos pay that tax." They are to pay for our standing army. They are to pay the price of their own chains.

The Filipino is begging to treat with us. He knocks at our door to be heard. He loves his home as you love yours, sir, and as I love mine. He has breathed the inspiration of our history;

he asks only what our fathers fought for—the right to govern himself. There is no treaty of commercial value to the United States which could be suggested that he is not ready and willing to give us. Then it is not the expansion of commerce you want, but it is the expansion of the gewgaws and the tinsels of royalty.

Those of us who pointed out in the early summer this present situation knew that it meant war for expansion, war for conquest, war in the denial of our very proposition made in this Chamber when we declared war for the liberation of Cuba.

Let me give notice to you gentlemen who expect to be in politics that if this war goes on, and if we open the guns, as we threaten to do within ten days, upon the women and children in the island of Iloilo, the father in New England will begin to plead for the father in Manila, the mother in Illinois will begin to pray for the mother in the islands of the sea, and the fathers will vote as the mothers pray. God Almighty help the party that seeks to give civilization and Christian liberty hypodermically with 13-inch guns.

Are we to hear Aguinaldo called a cutthroat, a robber, as we did the poor Garcia within this very Chamber, because he fought for liberty and for his own country?

Oh, but they say Aguinaldo is a self-appointed chief. That is a way of their politics there. Look about the Senate, Mr. President, and who of us is here except originally upon his own invitation? [Laughter.]

Why, Mr. President, cannot we now make those people our friends, as Fox pleaded to make America England's friend a hundred years ago? Why not give them what they ask? Why should we stingily withhold the jewel of independence? Why should we not finish this war as we began it—for humanity's sake? Why not with a free and open hand give them what we have promised to give to Cuba, and say: "Go and obey the Divine injunction, work out your own salvation with fear and trembling; go and learn by experience as we did. Profit by your mistakes, as we have done. Yes, we have saved your life, Filipino, and in the future we will protect it against all comers from within or without while our flag floats." Then we shall have kept our promise, and only then.

The insurgents held more territory than the Spaniards. We ourselves discredited the sovereign title of Spain. We ourselves have thrown a taint upon their possessions. We ourselves, in the face of the world, have thrown a taint upon all sovereignty claimed by Spain that was held by force. Yes,

the insurgents held more than the Spaniards held within their grasp, but the Spanish were better traders. They knew how to buy and sell sovereignty better than the Filipinos, who, thank God, have not learned it, and we ought never to begin to teach them.

I am for the independence of the people of the Philippine Islands, as I am for independence of the people of Cuba. I am bound by a solemn promise made in this Chamber. Senators may higgle and say it is not nominated in the bond; but it is an implied promise, more sacred to an honorable gentleman than though it were written in blood.

Mr. President, let us say to them, as we have said to Cuba: "Go on your way; learn by evolution"—for that is the only way. "The use of power develops power. You cannot learn to swim outside of water. You may take lessons in swimming each summer, my dear Filipinos; we will send you 4,000 teachers of swimming; but you had better not get in out of your depth until you have taken a trial yourselves." Give them the independence they plead for, and we shall have kept our promise with the people of the world.

That we have assisted the Filipinos is undoubtedly true. That they assisted us is also true. We are told that Aguinaldo could not have got back there but for Dewey. Then Dewey put him back. Then under all the laws of common honesty he is an ally. Under all the laws of nations he is our ally.

What is the rule in ethics and good morals that leads us to take a different stand toward the people of the Philippines, who are more enlightened and better educated, have more newspapers and better schools, from that we take toward Cuba? Do you say, with the explosionists—I mean the expansionists: "We promised we would not steal Cuba, but we did not promise not to steal the Philippines?" Do you say, with Shylock: "Is it so nominated in the bond?" Will you tell me, please, how grand larceny and criminal aggression in Cuba become high Christian civilization in the Philippines? Is there some place in the Pacific Ocean where we change the code of ethics and good morals as we change the calendar and the ship's clock in crossing?

Mr. President, we cannot teach them to govern themselves. There is only one road to self-government. That is through the gate of responsibility, along the rough and rugged road of experience. You cannot teach liberty and self-government with a Mauser gun. Spain has tried it. She has believed in the expansion of territory, expansion of commerce by force, without the

consent of the governed—and her ships are lying at the bottom of the sea.

My friends, have you forgotten the first rule proved by all history, without exception, that every square inch of territory taken by force has to be held by force? There is Alsace-Lorraine, between Germany and France. A standing army is kept there on both sides, and there is a continuing threat of war.

Driving in his carriage one day, President Lincoln alighted to turn a tumblebug to his legs. Replying to the cabinet minister within the carriage, he said: "I merely wanted to give him a show with all the other bugs of his class." He did not want to annex the bug or to tell him how to run his business. He did not seek to tax him or to tell him that he did not know how to govern his bugship. He set him along the highroad, along the line of the survival of the fittest.

Do you remember when Mexico was invaded by the French and Uncle Sam said: "Go; there is the Monroe Doctrine; Mexico is covered by the shadow of its wing," and the French soldiers left, and the brave little Republic of Mexico is slowly but surely climbing the ladder to a better education, a better civilization. Ah, Mr. President, that is the expansion I believe in. That is the imperialism the Fathers taught.

Venezuela, within three years, was assaulted by England—sought to be despoiled of her port of entry. Grover Cleveland was President of the United States, and he said to the greatest naval power of the world, "Stop!" You know the result. Venezuela, struggling along, improving in civil and religious liberty, is climbing higher and higher in the scale of civilization. We did not want to annex her when we spoke for her. We did not seek to tax and govern her, but we set her on the highroad of imperialism within herself, and that is the imperialism the Fathers taught, and that is the expansion I plead for.

Have you forgotten the scenes of twelve months ago within this Chamber, during the debate on Cuba? Do you remember when some of our distinguished colleagues read to us the charge by the Germans that we were seeking territory, that Uncle Sam was a sly dog, and that we were playing the part of the good Samaritan and had a compass under our wings to measure territory?

Have you forgotten how, in reply to this slander, we called upon the nations to look this way, and said: "Turn, all ye people of the world, turn and see America. She worshipeth at the shrine of Him who died to make men free. We unlimber our guns only for humanity's sake." Are we, by turning our

guns upon the natives, to say by our conduct: "Look not this way; turn in shame from us; the money changers are in the temple of liberty; the jingle of gold and silver is heard within her walls; and we are now about to barter and dicker, to buy and sell the right to govern men and women and children without their consent."

But, Mr. President, we are told by the distinguished Senator from Connecticut [Mr. Platt]—"We are going to give them liberty, but we want them to have our kind of liberty. You must be happy, my dear Filipino, but happy in the way I tell you to be happy."

Let me read you the exact words of King George III, so that you may be sure to be on his side when next you spout for liberty for the Philippines. He was "desirous of restoring to the colonies the blessings of law and liberty." Oh, why was not Pecksniff born at that time to wear a crown? King George said exactly as the Senator from Connecticut said—he was going to give them the liberty of his kind; Connecticut liberty for the Philippine Islands. [Laughter.]

I am going to read you more about King George's liberty. You can insert it in the speech of the distinguished Senator yesterday, and you could not tell whether it was the Senator from Connecticut or King George who made it. "I am desirous of restoring to them the blessings of law and liberty equally enjoyed by every British subject."

You want to strike out the word "British" and insert "American" in the gentlemen's speech yesterday; that is all—"which they have fatally and desperately exchanged for the calamities of war and the arbitrary tyranny of their chiefs."

The king referred to Washington; the Senator to Aguinaldo. Was there not an answer on the same day from the lover of liberty, Fox—not because he loved us, but because he loved liberty? In answer to the King he said on the same day, rising in his place: "But, sir, how is this blessed system of liberty to be established? By the bayonets of disciplined Hessians?"

How is liberty to be established in the Philippines? You have answered by your proclamation. You say, peacefully if you can, but by powder if you must. I say that the boys in blue or gray, or whatever color they fight in, enlisted to make men free. They enlisted to fight the tyrant Spain. They did not enlist to fight the Filipinos, and the fairest thing you can do for the American youth before you set him to shooting the women and children of the island is to give him a chance to come home.

They are not Hessians. They are not hired as butchers. They heard the lofty talk of patriotism. We were all willing to die to make men free. You have no right, after having accomplished the liberty of Cuba, to send your officers 10,000 miles away to subjugate, to kill, and to destroy the innocent natives, whose only offence is the love of wife, the love of children, and the love of home.

I ask now for some one who shall follow me to answer, Did Aguinaldo go back there under the protection of our flag? If so, is he not an ally? If he is an ally, have we a right to settle terms of war and peace without consulting him and his people? Ah, but it was officially reported that our general in command [Miller] said to them, "Give up Iloilo," and they said, "No," and it is officially reported that our commander said, "Before we burn your town we will give you twenty-four hours to take your women and children out under the stars."

SENATOR HOAR.—I should like to ask the Senator from Illinois a question. Does not the same report, uncontradicted anywhere, say that at the time that notice was given the people of Iloilo had established orderly civil government, with courts, police officers, and means for the collection of customs and revenues in the islands?

SENATOR MASON.—Certainly.

SENATOR HOAR.—That is what they are going to overthrow.

SENATOR MASON.—We had never put our foot upon that island when the people drove the Spaniards out. Our flag has never been upon the island, either by conquest or in any other way. The people are governing themselves, and we are told that we are to give them twenty-four hours—that is not so long as Weyler gave them, in some instances—for men, women, and children to move out of their homes—homes as sacred as mine is to me or yours is to you. That is to be our action against people who have never offended us; against people who have been our allies in this struggle. At the point of a gun we are to conquer our allies, having defeated the main opponent of the fight. Shade of the immortal Washington, defend us! Tears of the martyred Lincoln, plead for this country at the throne of eternal justice!

But, Mr. President, we are told by certain distinguished gentlemen who are interested in commerce, and who talk one story in the counting-room and another one in the church, that we must civilize these people. "Thank God, we are not as other men. We must bring them up to our standard in civilization." I suppose that means clothes, religion, churches, schools, and

the use of all the peculiar kinds of drinks that we indulge in. Food, raiment, and the color of the necktie must be involved.

How are we going to civilize them, Mr. President? Shall we show them how to run municipalities with boodle aldermen? I see that the great chief of that ethical society known as Tammany Hall has taken sides on this question. "Take the islands," says the Tammany chief. "Civilize them." Shall we send him over there to teach the untutored Filipino cleanliness and municipal reform? Shall we teach them to worship money and the man who has it, regardless of how he got it? Shall we send special instructors to teach them how to kill postmasters, their wives and children, if their complexion does not suit the populace? Shall we have illustrated pictures showing the works of the mob in Illinois, North Carolina, and South Carolina?

Why, Mr. President, since the signing of the protocol we have murdered more men in Illinois by the mob than they have in the Philippine Islands. Shall we take that branch of our civilization and force it upon them with a 13-inch gun? Shall we teach them how to organize trusts, so that when one gentleman is out on his yacht and is troubled with liver complaint or a trifle seasick he can float into Manila Bay and raise the price of sugar on 70,000,000 people?

Shall we teach them how to organize their legislature as we have this body, so that the minority can boss and not the majority? Shall we teach them the speech of the distinguished Senator from Connecticut, that all just powers of government are derived from the consent of "some" of the governed? Shall we send them Lincoln's Gettysburg speech amended in that way —a government of some of the people, by a part of the people, for a few of the people?

Gentlemen may say I belittle my own institutions. I do not. I should like to call attention to a few of the beams in the eye of the Americano that he may not stretch and break his neck reaching 10,000 miles away to find the mote in the eye of the Filipino.

No; I am not afraid of the result so far as my country is concerned. The distinguished Senator who sounded a keynote, the like of which has not been heard in half a century in this hall, may have just grounds for apprehension, but I come from a younger community. We have stood many things, as our country has. We went through the Know-Nothing craze, the Greenback fever, the free-silver tempest, and we have come up out of it all brave and strong. Why?

Why, Mr. President? Because our Government was builded

right. The just powers of the Government have been derived from the consent of the people. It is builded on a rock that cannot wash away. It has within itself the wellspring of eternal youth.

And why, Mr. President, in the name of all that is generous, should we refuse the Filipino the privilege of lighting his feeble taper at the light and heat of our flaming torch?

Mr. President, why is it that to-day in the happy land of Cuba they are preparing to celebrate their Fourth of July? Have you not read of the processions, the whites and the blacks, the men and the women and the children, the starving reconcentrados, marching and shouting, singing their Marseillaise, singing their Star Spangled Banner? Why? Because we promised them independence, and by implication we promised the same thing to the Philippine Islands.

Why is it not so to-day in the Philippine Islands? Why are they gathering their men and their guns around them? Are they not saying to us, "This war means something more than a change of masters"? Aye, Mr. President, when some gentleman who loves liberty takes this floor I beg him to tell me the reason for treating them differently from what we propose to treat the people in the island of Cuba.

Oh, but gentlemen say there is something in annexation. There is the sale of rum and tobacco and calico. If you want the land, there is Canada; that is nearer. Take Canada. They talk our language. But when I say that to my expansionist friend, he says, "That is different." Oh, yes; it is different, and I will tell you the difference. It is the difference between the fleet of Victoria and the fleet of Aguinaldo.

I have seen men dying in hospitals without a murmur. They said to me, "I am going to die; it is all right, old man." I have stood by the open graves. I have seen the mother's tears dry and her face light up with hope—aye, with pride—when it was said to her that he died in a noble cause; that he died like the Master, for others. I have seen the tears dry and the face light with pride because her son was there, having died in a cause as sacred as the Nazarene's.

But, Mr. President, when your ships come home laden from Manila with the putrid remains of our boys, and you take the coffin to the mother's door, you never will dry her tears, you never will soothe her heart by telling her that you have extended your commerce at the cost of her dead boy.

I had hoped for some power of language that the old masters had who stood within this forum in the past. I have

almost prayed for some magnetic power that I could draw you so close that I could write in living letters upon your hearts the word "Liberty." Not liberty, Mr. President, for your family as I prescribe it, not liberty for me or my children by your dictation, not Austrian liberty for Hungary, not Spanish liberty for Cuba, not English liberty for the United States, ay, and not American liberty for the Philippines, but universal liberty—the universal liberty for which our fathers died. [Applause in the galleries.]

On January 11 Joseph B. Foraker (Ohio) spoke against both the Vest and the Mason resolutions.

First in order we have the speech of the Senator from Missouri [Mr. Vest]. He has three main propositions he insists upon in support of his resolution.

In the first place, he tells us that there is a historical argument against this Government holding colonies and governing them as such. Then he tells us that our fathers rebelled against England, and that the war waged by them was for the purpose of destroying the colonial system, and that the circumstances were such that it cannot be reasonably assumed or believed that they could have contemplated, after having themselves broken away from the colonial system, a continuation of it, and that they could not have created a government and invested it with power to continue colonial governments.

Mr. President, it seems to me that when we recall the facts attending the inception of the war of the Revolution, the nature of it in its beginning, and how it was subsequently changed to a different purpose, we have one of the strongest possible arguments to the effect that there was at least no prejudice in the minds of the Fathers against the colonial system of government. Take the Declaration of Independence which has so frequently been alluded to in these debates in the last two or three days, and read the recitation of grievances there set forth by the framers of that document.

You will not find there any complaint against the colonial system of government proper, but only against abuses of that system.

But, Mr. President, I call attention to another matter which is sufficient of itself to show conclusively that the Fathers who framed our Government not only were not seeking to establish a government that could not continue the colonial system of government, but that they had in view as one of the express

purposes of that government the acquisition of colonies and the government of them at will as colonies.

In a letter to Henry W. Livingston, dated the 4th of December, 1803, and written in answer to an inquiry as to the power of the Government under the Constitution to acquire territory and the power of the Congress after acquisition to govern it, Gouverneur Morris wrote:

> In my opinion, they can not.

Here is one of the framers of the Constitution of the United States—indeed, the very author of the section concerning territories—saying that the unquestioned power to acquire territory could not be exercised with a view to incorporating that territory when acquired into the Union as States at all. What further does he say? He speaks next of this clause of section 3, Article IV, of the Constitution investing Congress with the power to govern territory when acquired, and says:

> I always thought that when we should acquire Canada and Louisiana it would be proper to govern them as provinces and allow them no voice in our councils.

MARION BUTLER [N. C.].—Does not Gouverneur Morris in the same letter state that, while that was his view and desire, yet the language of the Constitution did not go that far? Did he not admit that he did not dare to put that sentiment in express words for fear the Constitutional Convention would vote it down?

SENATOR FORAKER.—It is hardly that strong. He does say that he thought there would be opposition to it. He says:

> In wording the third section of the fourth article I went as far as circumstances would permit to establish the exclusion.

To exclude territory from statehood.

> Candor obliges me to add my belief that had it been more pointedly expressed a strong opposition would have been made.

SENATOR BUTLER.—Will the Senator from Ohio pardon me? Gouverneur Morris's letter is really a confession that the Convention did not understand his language as he meant it.

SENATOR FORAKER.—So be it. There is his language. He seems to have got in his work anyhow. [Laughter.] The language employed by Gouverneur Morris has been held sufficient

by Chief Justice Marshall and by the Supreme Court, without exception, every time that question has been before that tribunal, to confer upon the Government the power intended by Gouverneur Morris to be conferred, namely, the power to govern territory that might be acquired.

The second argument advanced by the Senator from Missouri in support of his resolution is based upon the Dred Scott decision.

Mr. President, I have not the time to take the opinions of the nine justices of the Supreme Court, for each gave an opinion in that case, and review them at length and in detail to show that the Senator from Missouri is mistaken when he says that the nine justices of the Supreme Court in that case concurred in this proposition; but I state it as confidently as his statement has been made, without fear of successful contradiction, that, instead of the nine justices of the Supreme Court of the United States agreeing to that proposition, only one associate justice, Mr. Justice Wayne, agreed to it.

Look through the language employed in the respective opinions and you will find that not another justice touched upon that proposition in any way or form, and why? It was not necessary for the decision of the case. That, Mr. President, was a political case, and the decision was a political decision. It was a battle to the finish in the contest between slavery and freedom.

No justice could prepare an opinion which a majority would accept and allow to be read as the opinion of the court; and after they became fully aware of that difficulty and situation, it was then by the justices agreed that each member of the court should write his own opinion, and the court would content itself with an agreement of a majority of the members upon the judgment that was to be rendered.

And it was deliberately, Mr. President, agreed, upon the suggestion of Mr. Justice Wayne, that when they found themselves unable otherwise to agree they should undertake to go beyond the necessities of the case and give *obiter dicta* with a view to settling the political questions which were then disturbing the American people. Therefore what the Senator relies upon as a decision of the Supreme Court in support of this resolution is no decision. It has never been so decided by that court, and has never been decided so by any other court in this land, either high or low, so far as I have been able to ascertain.

The next proposition of the Senator from Missouri I can dispose of rather briefly. It is predicated upon section 3 of

Article IV of the Constitution. That section contains two clauses. The first relates to the admission of new States, and the second relates to the government of Territories. Without stopping to go over it in detail, it is sufficient to say that the Senator reverses these clauses and reads the last as though it were first and the first as though it were the second or the last.

The Senator from Missouri then concludes that because of the reading of the text of the Constitution when so arranged it is clear to every intelligent layman that it was intended by the framers of the Constitution that no territory should be acquired except only with the present intention of ultimately making it a State.

Mr. President, the whole of that argument, it seems to me, falls to the ground when we reverse the order and read it, not as the Senator has read it, but as the framers of the Constitution read it. They chose the order; and when you restore the proper order, the order in which they placed these provisions, no such deduction can be rightfully made as that which the Senator from Missouri has made.

I come now, Mr. President, to the speech of the Senator from Massachusetts [Mr. Hoar]; and, before I undertake in my humble way to say in answer to it what I feel moved to say, that I listened to it with the very greatest interest, as I always listen to anything that is spoken in this Chamber by the Senator. It was a speech of great ability, a speech such as only few men could make. But, Mr. President, when it is all reduced to practical propositions, it amounted, as I understood it, to simply this, that the Government of the United States has no constitutional power to acquire territory except only for constitutional purposes, of which purposes the Senator from Massachusetts seems to constitute himself the sole and exclusive judge.

In other words, Mr. President, it must be a constitutional purpose according to the definition given by the Senator from Massachusetts of the purposes of the Constitution. He specifies that it is constitutional under the Constitution for the Government, in the exercise of its constitutional power with respect to the acquisition of territory, to secure a coaling station, a naval station, a place for a post office or a custom house, and, remembering our experience last summer at the last session, he thought it was constitutional to acquire Hawaii, because necessary to the national defence. I did not understand the Senator to say, but I understood him to admit, that when this Government acquires territory for one of these constitutional purposes it is not necessary to secure the consent of the people who may occupy that

territory and who must by the acquisition pass under our jurisdiction and be governed by us.

SENATOR HOAR.—I did not make any such admission.

SENATOR FORAKER.—I rather thought he had in mind the fact that when we were debating the Hawaiian resolution there was a protest filed here in this chamber by the Senator from Massachusetts, signed by more than 14,000 of the Kanakas, or natives of that island, protesting against the acquisition by the United States Government of the Hawaiian Islands and the extension of our jurisdiction over them.

SENATOR HOAR.—The Senator, I am sure, will pardon me?

SENATOR FORAKER.—Certainly.

SENATOR HOAR.—The people of Hawaii voted upon a constitution, and in that constitution they expressly authorized their legislative body to make provision for their annexation to the United States. Thereupon, in pursuance of the constitution, which had been in force for six or seven years, they proceeded to do it. Now, it is true that I presented a paper purporting to be signed (I do not know whether the signatures were or were not in every case verified) by a pretty large number of the Kanakas, but I believed then and stated then, and I believe now, that a majority of the citizens of Hawaii desired annexation to the United States; and that, in addition to that, everything in that island which could be called the germ of a national life was on that side; and so did the Senator from Ohio believe, I am sure.

SENATOR FORAKER.—Surely, but I had no constitutional trouble about it. Now, all the Senator has said is quite true; but the fact remains, and that is what I am calling attention to, that he did not state in his speech—if he did it escaped me, and I allude to it now that he may correct me if I should be corrected—that when we acquire territory for a constitutional purpose the consent has anything to do with it. Suppose we acquire a coaling station that is situated upon an island in the sea. It is a constitutional purpose for which we have to acquire it. Suppose the inhabitants be of such a character that it is essential to the safety of our interests there that we acquire the whole island, though there be a thousand, or ten thousand, or one hundred thousand, as in the case of Hawaii, or a million people or more, as may be the case as to Luzon. Suppose we acquired it for a constitutional purpose, a purpose that is absolutely essential to the national welfare, for the purpose of national defence, must we stop in such a case and secure consent of the population? The Senator's statement was in regard to

Hawaii. Would we stop and jeopardize the national interests, hesitating to acquire a place necessary to the national defence, because somebody there had not been consulted? And suppose we consult the population and they object, or some of them object. What then?

SENATOR HOAR.—If the Senator will pardon me, it was not appropriate or apt to what I had to say the other day to express an opinion on that subject, but I certainly affirm that if it were desirable, convenient, or we thought it essential for our national defence to annex outlying territory, and the people there possessing that territory objected, I should consider the claiming it, annexing it, subjecting it, under those circumstances as a great national crime to be repudiated, denounced; and I should consider that the United States had better go down beneath the waters of the Pacific in honor rather than disgrace itself by doing that thing.

SENATOR FORAKER.—We understand from the Senator from Massachusetts what we did not learn from his speech the day before yesterday. We have learned that, according to his interpretation of the Constitution, possessions may be acquired for constitutional purposes and they may be acquired for purposes that are not constitutional in the sense in which he has defined those purposes, but that in all cases where territory is acquired, whether for constitutional purposes or not, the consent of the inhabitants of that territory must be secured before we can acquire it.

SENATOR HOAR.—That is not what I said. I said where there is a people there governing it. I do not mean to say if there is a continent of 10,000,000 square miles, over which there are five or six thousand savages roaming, incapable of national life, incapable of civilized life, incapable of government, not a people, not the germ of a people, never to become a people, that civilization and Christian government are estopped at the threshold. But where there is, as there is in the Philippine Islands, a people possessing a country——

SENATOR FORAKER.—I am not talking about the Philippine Islands yet. I am talking about the abstract question, and I want to go on with it.

SENATOR HOAR.—So am I. When there is, as there clearly is in the case I am speaking of, in the Philippine Islands now, a people, or to take the case of Canada, which has been cited here, remonstrating, I say it would be a great national crime, and our fathers said it would be a great national crime, for us to undertake to subdue and occupy that territory for any pur-

pose of our own; and if we cannot live as a nation without committing that crime we ought to die as a nation without committing it. That is my doctrine.

SENATOR FORAKER.—Mr. President, as I now understand the Senator from Massachusetts, he does not think the march of civilization ought to be estopped for the want of consent. I suppose the march of the French from the mouth of the Kongo across the dark continent of Africa to meet the British in their march up the Nile to Fashoda would meet with the approbation of the Senator, without regard to consent, because in those regions are to be found not the kind of civilization which he has depicted to us as being found in the Philippine Islands, but the character of civilization that has been described as existing on those islands by the Senator from Louisiana [Donelson Caffery].

However that may be, whatever the exceptions of the Senator from Massachusetts may be, I take issue with him upon the general proposition that when you acquire territory for a constitutional purpose you must secure the consent of the people in acquiring that territory; and I want to follow that with this proposition, that it is not only an acquisition of territory for a governmental purpose when you acquire it for a post office, a custom house, a naval station, or a coaling station, but it is equally the acquisition of territory for a governmental purpose when in war you take it by conquest to despoil, weaken, and destroy your enemy; and it is equally the acquisition of territory for a governmental purpose when, at the conclusion of a war with a bankrupt nation, they have nothing with which to indemnify you except only territory, and you take it on that account. These are all constitutional purposes, and no consent of the people is necessary in any of them.

Mr. President, is it possible that this great and powerful nation of ours, powerful in peace and powerful in war, and to be powerful, we trust, in the commercial world, has no power to subserve its own necessary and constitutional purposes except only by the consent of the people who may for the time being be affected? I utterly repudiate any such doctrine.

Why, Mr. President, this Government, as I have undertaken to point out, has unqualified and unrestricted power to acquire territory by treaty. When you acquire territory by treaty, is not that acquiring it for a constitutional purpose? If the Chief Executive of the nation sign and the Senate of the United States ratify a treaty agreeing that territory shall be acquired in a given case, are we to assume that it was not a constitutional purpose

for which it was acquired and that they have violated the Constitution? Is the purpose in such case open to question?

We were talking about Canada this morning. Suppose, Mr. President, the cordial relations, with which we are all so much gratified, that are existing now between Canada and the mother country and this country should be changed, and hostilities should arise between us and them, and it should be necessary for this country to march its armies across the border and take Canada, or part of Canada, by way of indemnity or by conquest, I ask would not that be a constitutional acquisition of territory?

If that be a constitutional purpose, and it be so constitutionally acquired, can we not govern it without stopping to count how many people there are and to know whether or not, if consulted, they would give, formally or otherwise, their assent to the proposition? It seems to me, with all due deference to the distinguished Senators who advance the proposition, that it is absolutely untenable.

Again, a great deal was sought to be made of the fact that the Senator from Connecticut [Mr. Platt] answered an inquiry of the Senator from Massachusetts [Mr. Hoar] by saying that "the just powers of government are derived from the consent of some of the governed." That is strictly true. True, as the Senator from Connecticut pointed out at the time when he remarked it, minors are citizens of the United States, and yet we do not stop to consult them as to government; women are citizens of the United States, and yet, so far as the exercise of the elective franchise at least is concerned, they are not consulted.

There are many other instances: Abraham Lincoln was elected President in 1860 by a minority vote, and eleven States of this Union undertook to go out of the Union, and fight their way out, rather than stay and be governed by him. But Mr. Lincoln marshaled the armies of the nation, and after four years of war compelled them to submit to the Government which he had been called upon to administer. We did not have the consent of those eleven States.

But now, Mr. President, I want to pass all that by and hurry to a conclusion by calling attention to the fact that what has so disturbed the Senator from Massachusetts and other Senators is without any foundation whatever as I understand the facts.

What is the excuse for talking about our intending to take a people who are struggling for freedom and liberty and independence and with shot and shell and sword and bayonet subjecting them to our power and our institutions and despotically

governing them against their will? I have not heard of anybody wishing or intending to do that.

Mr. President, the trouble with the gentlemen is that they are talking about a theory instead of the condition that exists. What is the practical condition about which we are concerned, and what have Senators on the other side offered for the solution of that situation? We had war with Spain. The fortunes of war carried us to the Philippines. When the war ended, those islands either had to be returned to Spain or they had to be taken by other nations, as other nations might see fit to take them, or the people of those islands had to be left in a state of anarchy, without government—for they had none then and have none yet—or else they had to be taken by the United States.

The first proposition was, Shall we return those islands to Spain? The Republican convention of Massachusetts answered that, and the Senator from Massachusetts time and again on the stump in the campaign, as I saw him reported in the newspapers, spoke in indorsement and approval of the declaration of the Republican convention of the State of Massachusetts when it said these islands should not be returned to Spain.

SENATOR HOAR.—I wrote it.

SENATOR FORAKER.—You wrote it? [Laughter.]

SENATOR HOAR.—Yes.

SENATOR FORAKER.—Then I presume it is safe to assume that we can quote the Senator from Massachusetts as opposed to the return of the Philippine Islands to Spain.

SENATOR HOAR.—Yes.

SENATOR FORAKER.—Then I am sure as to that proposition we are all agreed, and rightly. So the first thing settled was that the islands should not go back to Spain. What, then, was to be done was the practical question. We had to deal with it in a practical way. I saw it reported in the newspapers, and I saw it stated upon other authorities, that before the Peace Commission and elsewhere the statement was made, and made on behalf of Aguinaldo and the insurgents he represented, that, if the United States did not take them, there would be almost all Europe on their backs the next morning before breakfast.

We did not want that; we did not have any moral right to allow any such thing as that. We were not very well acquainted as yet with the Filipinos, but we at once decided against both of these propositions. Who will say our decision was unwise?

What, then, was left? We had left on our hands the choice of allowing to them their independence and the privilege of establishing a free republic, which I do not understand anybody

intends to deny to them, except only temporarily at the most, and allowing them to run all the risks of disorder and tyranny and misrule and mob rule, or otherwise we had to accept them and take care of them ourselves.

I do not understand anybody to be proposing to take the Philippine Islands with the idea and view of permanently holding them and denying to the people there the right to have a government of their own if they are capable of it and want to establish it. I do not understand that anybody wants to do that. I have not heard of anybody who wants to do that. The President of the United States does not, I know, and no Senator in this chamber has made any such statement.

SENATOR HOAR.—Will the Senator allow me to ask him if he claims that we have the right to do what nobody proposes to do? I ask if we have the right to hold them without giving them their independence if we want to?

SENATOR FORAKER.—Unquestionably, if we take the Philippine Islands, so far as the question of power is concerned, I think there is no question whatever——

SENATOR HOAR.—I used the word "right."

SENATOR FORAKER.—I used the word "right" also. I am speaking, however, of the legal right; I am speaking of the power; I am speaking of the right; I am speaking of the authority of this Government. When it comes to the question of policy, I will tell you in a minute what I think about that. I am now telling you what we decided—and I think the Senator will agree with me—that those islands ought not to be given back to Spain or given to any other European power which would partition them out. Only two things were left—to leave them to themselves at once and retire immediately, taking no responsibility whatever for the condition there obtaining, or else take charge of them by cession from Spain, asking the world to have confidence in this great Government, which has ever sought to do right, that we will deal with them as they should be dealt with.

As a result, the commissioners representing the United States at Paris have agreed upon a treaty—it has been published in the newspapers, and, therefore, I may speak of it freely, although the ban of secrecy has not yet been removed formally—according to the terms of which we are to take possession of these islands. Spain has agreed to that, and I suppose that the treaty in the near future will be ratified.

AUGUSTUS O. BACON [Ga.].—What is there differing between the condition of the people of the Philippine Islands and the

people of Cuba which would prevent our making the same stipulations and the same requirements in regard to the Philippine Islands that we have made in regard to Cuba?

SENATOR FORAKER.—Just this, Mr. President: In the case of Cuba there was no complication whatever involving any other power except only the powers of Spain and the United States, and in the case of the Philippine Islands there are complications which I cannot speak of here in this open chamber with propriety, but which you will hear of when we sit behind closed doors to consider this treaty, which justify in the most complete manner, as I understand it, the action of the President in pursuing the course which has been pursued. In fact, no other course would have been a safe course for this country to pursue, having in view the object and the end not only of justice to ourselves in this controversy, but especially justice and right and the promotion of the good of the Filipinos themselves.

SENATOR HOAR.—May I ask the Senator one question, and I will not ask him another on this particular point on which he is discoursing? He says, as I understand, that, after the pacification of these islands, they should be restored to the inhabitants if they desire it and are fit to take control. Now, in that case, is or is not the American flag to be hauled down?

SENATOR FORAKER.—Well, Mr. President, that is a question which we will answer when we come to it.

SENATOR HOAR.—I thought we had come to it now.

SENATOR FORAKER.—What I have said in answer to the Senator is in the *Record*, and will show that I do not know of anybody who wants to take possession of the Philippine Islands and govern the people of those islands indefinitely against their will, by force of arms. I believe that the President of the United States and those who are supporting his policy in this regard are as much lovers of liberty and justice as is the Senator from Massachusetts, and I believe their love of liberty and freedom and independence will go out in the future, as it goes out to-day, to the Filipinos and all the rest of mankind, as certainly and as unerringly as his.

SENATOR HOAR.—My question to the Senator was not put as a mere piece of rhetoric or word playing.

SENATOR FORAKER.—There was not much rhetoric about it, I will admit. [Laughter.]

SENATOR HOAR.—I understand, whether rightly or not, that the gentlemen who have said the American flag shall not be hauled down where it has been once raised mean to have it understood that we are to hold perpetual dominion over those

people whether they consent or no. That is what I understood, and I wanted to see what was the Senator's view about that.

SENATOR FORAKER.—Well, Mr. President, I will tell the Senator what my view is——

SENATOR HOAR.—Does the Senator mean, if the people of the Philippine Islands think it is for their happiness to try to govern themselves, that we should withdraw the power of the United States and let them do it?

SENATOR FORAKER.—I think when we come to consider the question of policy with respect to the Philippines, with the conditions there existing, their feeling of friendship, or their feeling of consent or of objection, will have much to do with determining Congress in that respect. I say I do not know of anybody, from the President of the United States down to his humblest follower in this matter, who is proposing by force and violence to take and hold those islands for all time to come. That is all I can say in answer to the Senator.

I am willing to trust the Administration; I am willing to trust the institutions of this Government and the people of this Government to do justice by the Filipinos. I have no sympathy whatever, Mr. President, and I do not believe the Administration has, with the war which some people talk about making on Aguinaldo and his followers in their struggle for liberty and independence, and I have no sympathy whatever with the talk that is indulged in in some places about making war on Gomez and his followers who have been struggling for the liberation of Cuba. In due time all that will be reached and considered. But I say now that this case, as every other case, must stand or fall upon its own merits and be measured by its own facts, conditions, and circumstances.

I know whereof I speak when I say that of the four things we had the choice of doing—giving the islands back to Spain, giving them to other countries, leaving them to anarchy, or taking them ourselves—the President acted most wisely when he concluded that we should take them ourselves; and he comes now and says, when he submits this treaty, "You put me to war; here is the result; here are these people; do with them as you like." It is for the Congress of the United States to investigate and find out about the islands of the Philippines, what kind of inhabitants they may have, whether or not they are capable of government, and whether or not they want government, or whether or not only a few want government.

What is the feeling of the population? You cannot tell that in the short time we have had to deal with them. At least I

have not been able to satisfy my mind about it. I hope in the near future to be able to do so, and I hope that in due course, at no distant day, we can act intelligently, and I know we will act justly.

I wish, in concluding, to submit and have printed at the close of my remarks the order made by the President with respect to the Philippine Islands, dated December 21, 1898. I shall not stop to read it, but I submit it and ask that it may go into the *Record* simply that the spirit with which he has undertaken to do what he is doing may be made manifest.

Mr. President, I thank you. [Manifestations of applause in the galleries.]

On the same day (January 11) Augustus O. Bacon (Georgia) introduced in the Senate the following joint resolution:

Resolved by the Senate and House: First. That the Government and people of the United States have not waged the recent war with Spain for conquest and for the acquisition of foreign territory, but solely for the purposes set forth in the resolution of Congress making the declaration of said war, the acquisition of such small tracts of land or harbors as may be necessary for governmental purposes being not deemed inconsistent with the same.

Second. That in demanding and in receiving the cession of the Philippine Islands it is not the purpose of the Government of the United States to secure and maintain dominion over the same as a part of the territory of the United States, or to incorporate the inhabitants thereof as citizens of the United States, or to hold said inhabitants as vassals or subjects of this Government.

Third. That whereas at the time of the declaration of war by the United States against Spain, and prior thereto, the inhabitants of the Philippine Islands were actively engaged in a war with Spain to achieve their independence, and whereas said purpose and the military operations thereunder have not been abandoned, but are still being actively prosecuted thereunder, therefore, in recognition of and in obedience to the vital principle announced in the great declaration that governments derive "their just powers from the consent of the governed," the Government of the United States recognizes that the people of the Philippine Islands of a right ought to be free and independent; that, with this view and to give effect to the same, the Government of the United States has required the Government of Spain to relinquish its authority and government in the Philippine Islands and to withdraw its land and naval forces from the Philippine Islands and from the waters thereof.

Fourth. That the United States hereby disclaim any disposition or intention to exercise sovereignty, jurisdiction, or control over said islands, and assert their determination, when a stable and independent government shall have been duly erected therein entitled to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people.

January 18 Senator Bacon spoke to this resolution.

Mr. President, many who are reluctant to relinquish the Philippine Islands and who are at the same time unwilling to commit themselves to the doctrine of forcible annexation, who at the same time are not willing to put the Government in the position of ruling a people and subjecting them against their will, endeavor to reconcile themselves by the proposition that the government which we propose to give to that country shall be a good government, that it shall be a government which will better their condition, and that it will be one which in its administration will be consistent with free institutions.

That proposition, while of course a very much more considerate one than the extreme of the subjugation of a people, is still inconsistent with free institutions. Wherever a people are required to render an obedience which is involuntary, that requirement is an enslavement of that people.

There are different degrees of enslavement. If we put our yoke upon a people, if we rule them arbitrarily, if we send them governors and judges, if we make laws for them without their participation, if we enforce obedience to such laws by our army, then it is an absolute enslavement. If, on the contrary, we allow them free institutions, but at the same time prescribe to them that they shall owe allegiance to a government against their will, it is none the less an enslavement, although less in degree.

Mr. President, there is but one government among the leading nations of the earth that recognizes the right of self-government in a people, that recognizes that the consent of a people is an essential to their government, and when this Government practically denies that right, in the march of free institutions the hand upon the dial of the clock of the world has been set back an hundred years.

It is impossible to conceive that this Government will knowingly and purposely deny to a people the right of self-government; it is incredible that the liberty-loving people of this country will by force of arms impose a government upon another people against their will—a people who owe us no allegiance —who are struggling to be free. There is no public man who will admit that he is in favor of that proposition; there is no official, no Senator, who would not repel the charge, if it were made against him, that he would thus violate the right of self-government.

Mr. President, Senators argue as to the power of the Gov-

ernment to acquire dominion over foreign territory; they argue as to the duty of the Government to exercise this authority; but when the question is squarely put to them, when the issue is put where it cannot be evaded, "Do you favor the subjection of another country and the imposition of the power of this Government without the consent of that people?" they shrink away from the acknowledgment of such a position.

Mr. President, when we declared war against Spain, there was no way by which we could reasonably anticipate what would be the nature and extent of the sacrifice we would be called upon to make. Our cities were unfortified, and the newspapers were burdened with accounts of the great number and power of the Spanish men-of-war. We knew the fact that our young men who would respond to the call of arms would have to march in Cuba against more than 100,000 seasoned and disciplined Spanish soldiers. There was every prospect that we would have to undergo great sacrifice. There was every prospect that the soil of Cuba would be enriched with the blood of thousands of our young men.

Mr. President, when in that solemn moment we stood forth to dare and meet the necessary sacrifice, we called upon God and men to witness the purity of our motives and the unselfishness of our intentions. We declared in language almost identical with the language of the resolutions which I have had the honor to introduce that we did not propose to wage this war for aggrandizement, that we did not wage it for conquest, but that we waged it, or proposed to wage it, in the interest of humanity. We declared that when a stable government was secured in Cuba we would withdraw from that island and leave the affairs of that country to its own inhabitants.

That war has practically passed; the sacrifice which we anticipated was not exacted of us; the sacrifice in life was comparatively trifling; a special danger which we anticipated did not come, for behind all of the anticipations of possible sacrifice of blood and treasure there was the specter, which we now remember, although we may in the hour of victory have forgotten it, of the possibility of European intervention and a consequent world's war. Not only has there been little sacrifice, but there has been no intervention, and there will be no intervention, and we now know not only that we are to do as we see fit in Cuba, but that we are to work our will with the Philippine Islands so far as other nations are concerned.

What I desire, Mr. President, by these resolutions is this: That now, in the hour of our victory, in the time of our undis-

puted physical power, we shall accord to the Philippine Islands exactly what we proposed in the beginning, when the matter was in doubt, we would accord to the Cubans.

When the declaration of war was made the Philippine Islands were not within the contemplation of Congress. We were thinking only of the Cubans. But suppose when the learned Senator from Colorado [Mr. Teller] introduced his fourth resolution as an amendment to those resolutions, in which we declared substantially what is declared in these resolutions, that the war was not to be waged for aggrandizement or for conquest, but that we proposed at the proper time to surrender the control of Cuban affairs to the Cubans—suppose when that amendment was proposed there had been a further amendment proposed excepting the Philippine Islands, and suppose we had said that, while we did propose to deal thus with the Cubans, so far as the Philippine Islands were concerned, we proposed, if we could take them, to do so, and to appropriate them to ourselves. With the feeling then upon us, with the intention which we then had to exhibit to the world the purity of our motives, can there be any doubt as to the action of Congress in voting down those resolutions?

If we had passed resolutions and made the exception as to the Philippine Islands, it would have utterly defeated the purpose of the disclaimer in those resolutions. If, on the contrary, we had expressed at the time our intention with reference to Cuba, and purposely withheld our expression of intention with reference to the Philippine Islands, it would have been the practicing of an unworthy deceit; and there is no principle which was involved in the disclaimer with reference to the Cuban people which does not also apply to the Filipinos; and the object I have in these resolutions, Mr. President, is that we may put ourselves in that position.

If the ideals which we had at that time required that announcement with reference to Cuba, if our past history required it, if the recognized principles of our system of government required it, they all equally require it with reference to the Philippine Islands.

In the first place, if we make this declaration, in my opinion it will be a practical settlement of all the questions which grow out of the adjustment of matters with Spain; in the second place, what is not less important, and, indeed, more important, it will relieve the Government of the United States from a most embarrassing position now occupied in the Philippine Islands.

We cannot shut our eyes to the fact that there is danger of

collision in the Philippine Islands; we cannot shut our eyes to the fact that there is there an American army and that there is there a Philippine army, and while there is no declaration of war between them, while there is no announcement of hostile intent, each is animated by a different purpose and a different resolve.

Whatever may be the intention of the civil officers of the Government, the thought and feeling is in the minds of the American army that they are to take possession of the Philippine Islands; and there can be no doubt that an equal determination and thought is in the minds, not only of the Philippine army, but of those who direct and control it, that our army shall not take possession of the Philippine Islands.

Why is it, Mr. President, that the Filipinos refuse to recognize the right of the American troops to occupy the islands? Is it because they are hostile to American troops? By no means. Is it because they are unwilling that the United States Government shall assist them in the establishment of a government? Certainly not. Is it because they are reluctant that the United States shall hold possession until it can be ascertained whether or not they can be safely left without becoming a prey to other foreign governments? Assuredly not.

They would be glad to have the United States troops there with the avowal of such purposes from the United States Government, but they are opposed to the occupation of their islands by the United States troops because of the apprehension that it is the purpose of the United States Government to maintain permanent dominion in those islands; and whenever we shall, by such resolutions as these, say solemnly to the world that such is not our purpose, there is no longer any danger of difficulty. Without it, even as we sit here to-day, there is very great danger of it.

It is a famous saying that the shot at Concord rang around the world.[1] If that shot, Mr. President, which we dread and fear, should be heard at Manila, or in any other part of the Philippine Islands, it also will ring around the world, but it will carry no cheer to the downtrodden and the oppressed.

We hear a great deal about the obligations which we owe to the Philippine Islands. Some curious logic has been evolved on this question. Ordinarily the man who is under obligation is the one who has to contribute something for the benefit of the man to whom he is under obligation. The obligor is the man who bears the burden; the obligor is the man who makes the sacri-

[1] "Fired the shot heard round the world."—*"Battle of Concord Bridge," by R. W. Emerson.*

fice; the obligor is the man who pays the debt. The obligee is the man who receives the benefit from the obligor.

Yet, in this instance, those who favor the acquisition of the Philippine Islands, and who try to put it upon the high ground that we are under obligation to the Filipinos, reason it out that we, the obligors, are to receive the islands in discharge of the obligation! Without stopping to analyze so untenable a proposition as that, I desire to ask the attention of the Senate to the consideration of the question, What are the obligations that we owe to the Philippine Islands or to their inhabitants?

Outside of one fact which I propose to mention, I do not think we owe any greater obligations to the Philippine Islands than we owe to any other possessions of Spain. But there is one fact which did devolve upon us a peculiar and special obligation. That fact is that at the time when we sent our fleet to the Philippine Islands the Filipinos were, and had been for years before, in active rebellion against the power of Spain.

When we went there to attack Spain we accepted of the cooperation and alliance of the Filipinos for the purpose of furthering our cause. We gave arms and we gave ammunition to them, and while the war progressed there was over a month after the battle of Manila during which there was not an American regiment upon the Philippine Islands, and during all of that time the Spaniards were beleaguered by Dewey on the sea and Aguinaldo on the land in coöperation and alliance.

Now, it is a sound proposition that that fact laid an obligation upon the United States, and only one obligation, and that obligation was that we would not make peace with Spain without breaking the power of Spain in the Philippine Islands. That obligation was laid upon us. It would have been a gross breach of faith if we had not required that Spain should relinquish her power in the Philippine Islands.

But what was the necessary corollary of the performance of that obligation? Could it be said that the obligation growing out of that coöperation and that alliance was discharged by requiring Spain to relinquish her power in the Philippine Islands, and by then taking those islands for ourselves?

Mr. President, if so, with equal force it might have been urged at the conclusion of our Revolutionary war that France should make a treaty with Great Britain and take thereunder a cession of the American colonies. The very same facts which laid upon us the obligation to break the power of Spain in the Philippines laid upon us the obligation to recognize the freedom of that people. When we accepted of the coöperation and

the alliance of the Filipinos, we necessarily recognized that they were in the prosecution of a rightful rebellion; we necessarily practically recognized them as belligerents.

They were there engaged at that time in a rightful rebellion, or they were bandits; they were, in the latter case, outlaws, and the United States authorities had no right to accept of their cooperation and their alliance. There is no refinement of reasoning, there is no finesse of logic which can get away from the conclusion that when we sailed into Manila Bay and recognized those people as rightful belligerents, put arms and ammunition in their hands, and accepted of their coöperation and their alliance, we not only became, by every high and honorable obligation, bound to see to it that the power of Spain was broken in the Philippines, but we fell under an obligation, no less imperative, that when it was broken the Filipinos should get the benefit of it, and not the American people. My contention is that we certainly incurred that obligation, and that it is the only obligation.

We went to war with Spain not for the purpose of correcting all the evils with which her people were afflicted; we did not undertake to be the great universal benefactor and to right all the wrongs of all the world. We went to war with Spain because a particular colony which she was afflicting lay at our doors; we went to war because the disorders of that government affected the peace of our community and were injurious to our material interest. We said there was a condition of affairs which was unbearable and that we would put an end to it.

To that extent and to that alone we claimed and avowed the reason for the declaration of war. So it follows that the mere declaration of war did not affect in any manner our relations with the Philippine Islands except to put us in a state of war with them as a part of the Spanish domain, and in no manner laid any obligation upon us as to those islands. We were not charged with the duty of preserving order in Asia.

Another obligation that it is contended we owe to the islands is to see that no foreign government interferes with them. That is a very large undertaking on our part, because it has to extend to all the future. Mr. President, I do not admit any such obligation. We have nobler uses both for the treasure and the young manhood of this country.

The main question with me is, what is our duty to ourselves and how will our own people be affected by such a course?

What is the effect of the acquisition of the Philippine Islands? It will be an entirely new departure. It will commit

us to a colonial policy necessarily, because it is not possible, it is not within the contemplation of the American people, that the Philippine Islands should ever be converted into a State or into States and admitted into participation in the affairs of this Government.

THE NEW MEMBER OF THE ORCHESTRA

From "Cartoons of our War with Spain, by Ch. Nelan"

The logic of the situation will be to acquire additional Asiatic territory, and after that to reach out for still more. There is no reason for the acquisition of the Philippines which will not apply to the acquisition of other parts of Asia, each acquisition furnishing a reason why another part still beyond should be also acquired. The acquisition of the Philippines will commit this Government to the colonial or imperial policy. The

logic of that policy will certainly require that we actively enlarge our efforts and seek to bring under our dominion all countries whose people are too weak to resist our colossal power, and which have not already been added to the land-grabbing and nation-appropriating governments of Europe.

This reach-out for empire will inevitably lead to wars; not such wars as the little one, with its trifling sacrifices, through which we have just passed; but great wars, with all their sacrifices. It means vast armies, composed in large part of our young men, ready on a day's notice to cope in bloody conflict with the great military powers of the earth. It means peace at evening, perhaps, with no certainty but that the morrow will find us participants in a world's war.

Mr. President, if we are to enter into the struggle for foreign dominion and empire, we cannot escape the ever-present danger of war which, like an angry, never-disappearing cloud, year in and year out, hangs over Europe. The nations of Europe are watching with keen anxiety the course which the Government of the United States will take in this matter. England especially is showing the keenest interest and anxiety. Why is it? Why has England this interest? Why has she this anxiety that we shall take the Philippine Islands? Why is it that the London papers are daily burdened with exhortations to our people and to our Government to acquire and exercise dominion in the Philippine Islands? Is it because England is so anxious that we shall be aggrandized? Is it because England is so anxious that we shall increase our power, or has she a selfish motive in it?

Mr. President, an Associated Press dispatch which came from London on the 14th of this month, and which was published in our Sunday papers, shows what the motive is with England and why she has this anxiety. I read part of it:

LONDON, *January* 14.

When the American correspondents succeeded in impressing upon the British mind that Senator Foraker, in his recent speech in the United States Senate, spoke only for himself when he suggested that the United States might eventually withdraw from the Philippine Islands, a distinct sigh of relief might have been read between the lines of the British newspapers.

Everyone here assumed that because the Senator was from the President's State he was speaking for the President, and the declaration made not only succeeded in giving British public officialdom an unpleasant shock, but it fell like a dash of cold water on the ardor of the British for an Anglo-American understanding. They began to question what was the profit of this friendship if America did not propose to back up Great Britain's policy in the far East by retaining the most important base of operations in the event of a war over China.

Mr. President, if that war comes it will not be confined to the Orient. If that war comes it will involve every leading nation of the world. If that war comes, not only will our young men lay their bones upon the distant soil of Asia, but our own country will have to stand its defence. When that war comes, there is not a sea-coast city but that will be in danger of destruction from the allied navies of the world. This may be a remote possibility, but if so it is a possibility so fraught with disaster to the United States that I will do nothing to tempt so dire a fate.

Again, Mr. President, do Senators consider the Herculean task which we undertake when we say that we will maintain a military establishment in the Philippine Islands? Do they realize that even when not at war with a foreign power we must maintain there an army of at least 30,000 men? Do they for a moment realize what it is to transport a hundred thousand men across the sea? And yet, if we became involved in a war with a foreign power, we would have to transport more than a hundred thousand men across the Pacific Ocean.

If we become involved in a war with a foreign power, the Philippine Islands will be our weak spot. It was the weak spot of Spain, and we struck it first because it was the weak spot, and if we succeed to her dominion it will be our weak spot, and any foreign government with which we engaged in war would strike that first.

Mr. President, I am going to suggest but one more thought. It has been suggested by another portion of the dispatch from London which I read, which quotes the London *Spectator*. In speaking about the Americans and the Philippine Islands, the paper, which this dispatch calls "the solemn *Spectator*," says as follows:

> Fifty years hence, under American control, the Filipinos will be orderly, law-abiding persons, like our own Hindoos.

Fifty years, Mr. President; fifty years of burden to the American people, fifty years of a great army and a great navy, fifty years of liability to world's wars to get them into the condition of the Hindoos!

Why, Mr. President, I was a schoolboy at the time of the Sepoy Rebellion, and I shall never forget the impression made upon me in looking at the pictorial newspapers, *Harper's Weekly* I recollect particularly, with the pictures of the sepoys bound to the mouths of cannon and blown to pieces. And, Mr. President, if we are to maintain dominion over these millions

of people in the Philippine Islands, nothing but the strong hand, nothing but cruelty, nothing but the iron rule will enable us to maintain that dominion.

Mr. President, I do not want any such transactions under the American flag. I do not want it to be that we will have to send governors and judges there to be brought back here to be tried for their oppressions of a people like them. I want no Warren Hastings arrayed before the bar of the Senate to be tried upon impeachment articles for oppressions of a people whom we are seeking to rule.

Mr. President, the greatest curse that can befall a people is war, even though that war be, as has been the last, an unbroken series of victories; not simply because it involves death and bloodshed, but because it accustoms our people and familiarizes them with scenes of violence and of blood; because it accustoms them to the idea of military rule rather than the peaceful agencies of civil government; because it weakens our reverence for and obedience to the great constitutional limitations which have been set up as the guardians of personal and political liberty; because there is no war but what, to a certain extent, works a revolution in the free institutions of the country; and because it is generally depraving and demoralizing to the public sentiment.

And, Mr. President, if I may be pardoned in this presence for saying it, I know of no greater illustration of the demoralizing and poisoning effects of war than we find in the fact that there are those who are now advocating a course which must lead to interminable wars, who but two short twelvemonths since stood here the very apostles of peace, the uncompromising opponents of war, and the extreme advocates of the establishment of a permanent board of arbitration which should forever make war impossible and settle all international disputes by arbitration.

And, Mr. President, as war is the greatest curse, peace is the greatest blessing. Peace is ours if we will have it; but if we do not have peace by our will, then we will have wars against our will.

Mr. President, as I close the thought which impresses my mind is the importance to us that we should preserve our institutions and the principles of our Government, and that at the same time we should preserve the peace of this people; and these things, Mr. President, are worth more to us than all the treasures gathered from subject peoples, and more than the dominion of all the islands of the seas.

On January 24 Henry Cabot Lodge (Massachusetts) supported the annexation of the Philippines.

I stand on the broad proposition laid down by Webster in debate in 1849, that the Territories are not part of the United States, but belong to the United States, as England's colonies belong to England. It does not alarm me to hold this doctrine of constitutional law merely because it can be easily pointed out that the supreme power which Congress may exercise over territory within its jurisdiction, but not within the limits of the United States, is capable of abuse.

Constitutions do not make people; people make constitutions. Our Constitution is great and admirable, because the men who made it were so and the people who ratified it and have lived under it were and are brave, intelligent, and lovers of liberty. There is a higher sanction and a surer protection to life and liberty, to the right of free speech and trial by jury, to justice and humanity, in the traditions, the beliefs, the habits of mind, and the character of the American people than any which can be afforded by any constitution, no matter how wisely drawn. If the American people were disposed to tyranny, injustice, and oppression, a constitution would offer but a temporary barrier to their ambitions, and the reverence for the Constitution and for law and justice grows out of the fact that the American people believe in freedom and humanity, in equal justice to all men, and in equal rights before the law, and while they so believe the great doctrines of the Declaration of Independence and of the Constitution will never be in peril.

Holding these views as to our constitutional powers, the great question now before the American people resolves itself, in my mind, to one of policy purely. There is only one question demanding actual and immediate decision now before Congress and the people, and that is whether the treaty with Spain shall be ratified or not.

I have heard no opposition expressed to any part of the treaty except such portion of it as relates to the Philippines, and that, therefore, is the sole point upon which I desire to touch. In our war with Spain we conquered the Philippines, or, to put it more exactly, we destroyed the power of Spain in those islands and took possession of their capital. The treaty cedes the Philippines to us. It is wisely and skilfully drawn. It commits us to no policy, to no course of action whatever in regard to the Philippines. When that treaty is ratified, we have full power and are absolutely free to do with those islands

as we please; and the opposition to its ratification may be summed up in a single sentence, that the American people and the American Congress are not to be trusted with that power and with that freedom of action in regard to the inhabitants of those distant islands. Every one of the resolutions thus far offered on this subject is an expression of distrust in the character, ability, honesty, and wisdom of the American people and an attempt to make us promise to be good and wise and honest in the future and in our dealings with other people. It is a well-meant effort to make us give bonds to fate by means of a Congressional resolution.

We must either ratify the treaty or reject it, for I cannot suppose that anyone would seriously advance the proposition that we should amend the treaty in such a way as to make pledges to Spain, and to Spain alone, and give bonds to Spain, and to Spain alone, for our good conduct in a matter which will be wholly our own to decide. Let us look, then, at the two alternatives. Suppose we ratify the treaty. The islands pass from the possession of Spain into our possession without committing us to any policy. I believe we can be trusted as a people to deal honestly and justly with the islands and their inhabitants thus given to our care. What our precise policy shall be I do not know, because I for one am not sufficiently informed as to the conditions there to be able to say what it will be best to do, nor, I may add, do I think anyone is. But I believe that we shall have the wisdom not to attempt to incorporate those islands with our body politic, or make their inhabitants part of our citizenship, or set their labor alongside of ours and within our tariff to compete in any industry with American workmen. I believe that we shall have the courage not to depart from those islands fearfully, timidly, and unworthily and leave them to anarchy among themselves, to the brief and bloody domination of some self-constituted dictator, and to the quick conquest of other powers, who will have no such hesitation as we should feel in crushing them into subjection by harsh and repressive methods. It is for us to decide the destinies of the Philippines, not for Europe, and we can do it alone and without assistance. I believe that we shall have the wisdom, the self-restraint, and the ability to restore peace and order in those islands and give to their people an opportunity for self-government and for freedom under the protecting shield of the United States until the time shall come when they are able to stand alone, if such a thing be possible, and if they do not themselves desire to remain under our protection. This is a great, a difficult, and a noble

task. I believe that American civilization is entirely capable of fulfilling it, and I should not have that profound faith which I now cherish in American civilization and American manhood if I did not think so.

Take now the other alternative. Suppose we reject the treaty or strike out the clause relating to the Philippines. That will hand the islands back to Spain; and I cannot conceive that any American should be willing to do that. Suppose we reject the treaty; what follows? Let us look at it practically. We continue the state of war, and every sensible man in the country, every business interest, desires the reëstablishment of peace in law as well as in fact. At the same time we repudiate the President and his action before the whole world, and the repudiation of the President in such a matter as this is, to my mind, the humiliation of the United States in the eyes of civilized mankind and brands us as a people incapable of great affairs or of taking rank where we belong, as one of the greatest of the great world powers.

The President cannot be sent back across the Atlantic in the person of his commissioners, hat in hand, to say to Spain with bated breath, "I am here in obedience to the mandate of a minority of one-third of the Senate to tell you that we have been too victorious, and that you have yielded us too much, and that I am very sorry that I took the Philippines from you." I do not think that any American President would do that, or that any American would wish him to. Still less do I think that any American would withdraw General Otis and his soldiers and recall Admiral Dewey from the scene of his great victory, leaving it to be said of us that we had deserted our post without an effort to repair the ruin we had made or to save the people we had freed with—

> One task more declined, one more footpath untrod,
> One more devil's triumph and sorrow for angels,
> One wrong more to man, one more insult to God.

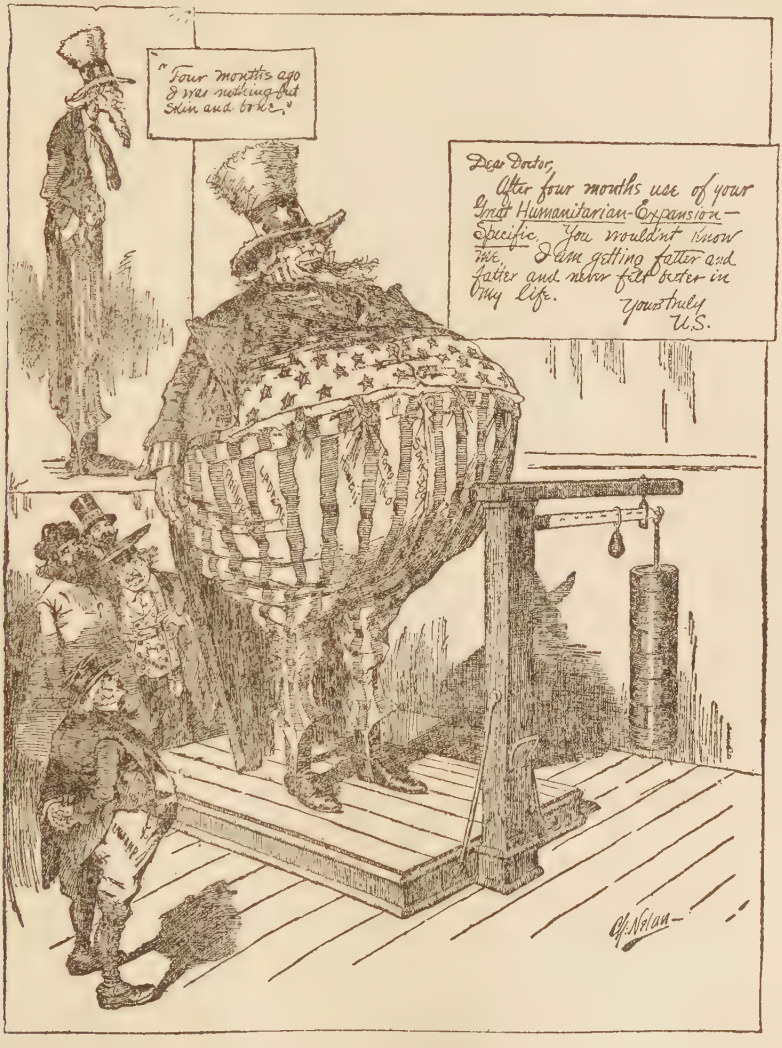
Therefore, Mr. President, by rejecting the treaty we renew the state of war. The protocol is but the agreement of the commander-in-chief. When the treaty fails, it could be torn to pieces; but, whether it is thrown aside or not, still we are in a state of war, and the subjects of Spain, among whom are numbered to-day the Filipinos, would be the public enemies of the United States by all the laws of nations. There, then, would be the President, with the country at war with Spain, armed with the war power, which he can use unchecked as the com-

mander-in-chief of the army and navy. The treaty commits the disposition of the Philippine Islands to Congress and to the ways and practices of peace. Its rejection leaves them in the sole power of the President, subject to the usages and practices of war alone.

There has been a great deal said, Mr. President, about the Declaration of Independence and its principles, and about conscience and morality. I am sure, Mr. President, that there is no Senator upon this floor, no matter what his views on this question may be, who would not cut off his hand sooner than be false to the principles of the Declaration of Independence and to the great traditions and ideas of American history; but I do not believe, Mr. President, that devotion to the Declaration of Independence is confined to the minority in this chamber any more than I believe that they have a monopoly of conscience or of morals. There is no magic in the word "minority." A minority is not necessarily wiser and better than the rest of mankind because it is a minority, any more than a majority is so by mere virtue of its name. I believe in the rule of the majority, because I believe that in the long run the majority is far more likely to be right than the minority, and I have no faith in Matthew Arnold's self-complacent doctrine of "the remnant." Great policies and great questions must be decided by higher standards and on grounds more relative than this. I have given a large part of my life to the study of the time when this country freed itself from England, and when this Government was established, and of the men who did the great work. No one has a greater reverence for those men and their deeds than I. Nobody loves better than I the ideals set forth in the Declaration of Independence; but my ideals do not stop there. Nor do they stop even with that greater period when the life of the nation was at stake. I have ideals and beliefs which pertain to the living present, and a faith in the future of my country. I believe in the American people as they are to-day, and in the civilization they have created. I believe not merely in what they have done, but in what they are yet to do.

To the American people and their Government I am ready to intrust my life, my liberty, my honor; and, what is far dearer to me than anything personal to myself, the lives and the liberty of my children and my children's children. If I am ready thus to trust my children to the Government which the American people create and sustain, am I to shrink from intrusting to that same people the fate and fortune of the inhabitants of the Philippine Islands? I have beheld with amazement the specters

of wrongdoing which have been conjured up here and charged as possible to the American people. I have been astonished to


"Four months ago I was nothing but skin and bone."
Dear Doctor,
After four months use of your Great Humanitarian-Expansion—Specific, You wouldn't know me. I am getting fatter and fatter and never felt better in my life.
Yours truly
U.S.
Ch. Nelan—

BEFORE AND AFTER TAKING

From "Cartoons of our War with Spain" by Ch. Nelan

hear outside this chamber men who for three years watched unmoved the torture of Cuba pleading with fervid eloquence for the Filipinos, just rescued by us from Spain, against the possible cruelty which Americans might inflict upon them. Denuncia-

tions which might have been suitable to Weyler have been applied to imaginary deeds of cruelty to be performed at some future time, date not specified, by a humane and able American President and by American soldiers and sailors who have within six months shown themselves in the heat of battle as merciful and tender as they were brave and daring. Mr. President, all this is so inconceivable to me that I cannot comprehend it. I can look at this question in only one way. A great responsibility has come to us. If we are unfit for it and unequal to it, then we should shirk it and fly from it. But I believe that we are both fit and capable, and that therefore we should meet it and take it up.

On January 31 James H. Berry (Arkansas) opposed annexation of the Philippines.

Mr. President, if in November, 1896, it had been known or generally believed throughout the United States that within less than two years from the date of his inauguration the President of the United States would be asking Congress to grant a standing army of 100,000 men for the purpose of being used to subjugate and subdue a people 7,000 miles away from our territory, who were seeking to form a government of their own, he would not have received the electoral vote of a single State in this Union.

Mr. President, if less than one year ago, when the junior Senator from Massachusetts [Mr. Lodge] read from that desk to the Senate of the United States the Farewell Address of the Father of our Country, it had been asserted here that in less than twelve months from that time that Senator and a majority of his associates upon this floor would be advocating a policy which contradicts and disregards every word and every sentiment contained in that wonderful letter, that Senator would indignantly have denied it and resented it as an imputation upon his patriotism.

And yet we have gone forward, or backward, as you may choose to regard it, with such bewildering rapidity that to-day every man who dares to raise his voice in the way of protest against this radical departure from our time-honored beliefs, traditions, and professions is denounced as a traitor to his country, an ally, aider, and abettor of Malays, negroes, and savages.

When the protocol for peace was signed on the 12th day of last August, I think it could have been truthfully said that there had never been a time since the organization of the Gov-

ernment when the American Republic commanded so much respect from the nations of the world, and never a time when its own citizens felt for that Republic so much love, so much devotion, and so much admiration. Less than six months have passed and there are thousands and tens of thousands of intelligent and patriotic citizens who sincerely believe that the danger of the destruction and overthrow of our institutions has never been so great as it is to-day.

What has been the cause, Mr. President, of the remarkable change in the policy of our Government? What has been the mighty influence that has caused us to depart from the teachings of our fathers and to enter upon a course of action directly opposed to all that we have ever professed. Mr. President, men do not always agree as to causes and effects, but it seems to me that the all-powerful force that is pushing us on to destruction can be easily found. In 1896, for the first time since the organization of the Government, all of the great combinations of wealth, all of the great corporations, all of the trusts, all of the syndicates, boards of trade, merchants and manufacturers' associations and exchanges of the great cities, were united in the support of the same candidate for the Presidency. They were associated together as, and assumed for themselves, the name of the business men of the country. Many of them boldly claimed that the men who owned the wealth and property of the country had a right to dictate the policy of the Government and to name its Chief Magistrate. This powerful combination of wealth was able to control nearly all of the great daily newspapers, and they succeeded in electing William McKinley President of the United States.

Mr. President, it is largely the same element, the same mighty influence, which is to-day, under the plea that the United States must have a wider and broader field for trade and commerce, pushing us to a line of action that threatens the very foundation of the Republic.

The cause for the universal rejoicing of our people at the close of the late war can be easily understood. We had fought to make others free as we ourselves were free; we had disclaimed, in the act declaring war, any intention of acquiring territory in Cuba. The President himself had said that the forcible acquisition of territory would not be tolerated by the American people, and that such an attempt would be criminal aggression. The American people were proud because they had done a brave and generous and unselfish deed, which would be a gratification to them and to their children in all the years to come.

They had no thought then that the great combinations of wealth and greed would be able thereafter to unite and bring to bear such a mighty influence as would control the public press, to a large extent public sentiment, the President, and the Senate of the United States, and secure the adoption of a policy that would hereafter forever dim and obscure the glory that they had fairly won.

It has been often said, Mr. President, that we hold those islands and that we cannot turn them loose. That is not true. Except the city of Manila and the bay and harbor we do not hold those islands either in law or in fact, and, Mr. President, the city of Manila itself was never captured until after the protocol of peace was signed, under the terms of which our rights were confined to the defences of the city of Manila and its bay and its harbor.

Those who support the treaty urge this as a reason why there should be a speedy ratification of the treaty in order that General Otis may be at liberty to move forward his battalions to crush the Philippine government and slaughter those who resist. They insist that we must agree to a treaty by which we promise to pay Spain $20,000,000 in order to obtain her consent to make war upon those who were our allies in the recent contest; and we are told that any party or individual who refuses to give his consent to this proposition will meet with the indignation of the American people. Mr. President, it may be true; I do not know; but it seems to me that when the excitement of the hour has passed away and impartial history comes to be written the men who are urging the forcible acquisition of foreign territory will not be proud of the record they are making.

But it was said by the President of the United States in one of the speeches he made on his Western tour that it is destiny, and we must meet it and accept it. Mr. President, the plea of destiny as an excuse for any course of action is an admission that no other reason can be given. If destiny is a sufficient excuse for wrong, then there is no crime however great and no infamy however degrading that a nation may not commit under that name. And we are told again that we must conquer these people in the interests of humanity and for their own good, that we must entail enormous expense upon our own people, that we must drag our youth to that far-off land, and kill and slaughter hundreds and, it may be, thousands of these people, in order that we may civilize and Christianize the remainder.

Mr. President, this is the same excuse, the same false pretence, that has been given by every nation of the world which

sought to impose its government upon another people. This is the same excuse that was given by Spain when Cortes marched through Mexico and Pizarro through Peru, leaving burning houses and murdered men and women and children in their pathway. When Lord Clive and Warren Hastings robbed India and committed outrages that shocked the civilized world, England said that this was done in the interest of humanity; that this was done in order to extend English commerce. So the same excuse was made by Austria and Prussia for the destruction of Hungary and Poland, and the same excuse was given by George the Third when he made war upon the colonies in this country.

But I am asked if I think our people are as bad as theirs. I answer no, Mr. President, I do not think they are; but the reason why I do not think they are is because they have never indulged in these practices in the past. But the very moment we attempt to govern foreign territory against the will of the inhabitants, the chances are, if history can be relied upon, that we shall grow worse year by year.

Mr. President, those of us who live in the States of the South have some knowledge of the wrongs and outrages that may be perpetrated even by Americans where they seek to govern by strangers and by military power an unwilling people. Fortunately for our Republic, the people of the North learned in time that such government could not be continued without danger to every part of the Union, and I remember what universal applause from every part of the country greeted the statement made by the Hon. Charles Foster, of Ohio, when he said in the House of Representatives in 1877 that thereafter the flag of the country should wave over States and not provinces.

No, Mr. President, the plea of humanity is not the true cause of this movement. It doubtless has controlled the judgment of some, but the all-powerful force behind it is the desire of extending trade and commerce.

But it is said that the disposition of the Philippines will be a matter for determination after the treaty is ratified; that, after we have concluded the bargain by which we purchase the sovereignty of the islands and the right to control these people, after we have paid Spain $20,000,000 for these people, and after we have, by force, if need be, destroyed their present government, we may conclude at some time in the far distant future to give them a chance to form a new government, and we will then cease to control. Does any man believe that such is the purpose? Has the President of the United States ever avowed

such a purpose? Does not the treaty itself show that it is not the purpose? The language of the treaty in the case of Cuba and that of the Philippines is purposely different. Cuba is not ceded to the United States, but Spain simply relinquishes her sovereignty. The Philippine Islands are ceded. Do you not to-day refuse absolutely to amend the treaty so as to make the promise to the people of those islands the same as that which we have given to Cuba? And have you not day by day refused to pass a joint resolution containing any kind of promise to those people? And yet we have men who are sufficiently credulous to believe, after the bond has been signed and sealed and the money paid, that in the far-off future you will do then what you even refuse to promise to do to-day.

In addition to this, Mr. President, it has been urged upon us that, if we do not at once ratify the treaty, in all probability there will be a collision between our people and the people of the Philippine Islands; and it has been said that those on this floor who oppose this policy would be responsible. Mr. President, it seems to me that, if we ratify the treaty and give the authority to General Otis to move forward with troops, a collision will be inevitable; and if that collision comes I want it understood now that the responsibility will rest upon those who have changed a war begun for humanity into one that is being prosecuted and carried out for the sake of the acquisition of territory.

Senator Platt.—I wish to say here that I believe the negotiation of this treaty reflects the greatest honor upon the diplomacy of the United States of any treaty that has ever been negotiated. It is a diplomacy which honors the United States, which honors its armies, which honors its navy, which honors its traditions, which honors its Declaration of Independence, which honors free government and the cause of humanity in the world.

But, Mr. President, while this treaty has been in process of negotiation an ambitious leader in the Philippine Islands has been raising revolt, and I say revolt against the United States and its Government and its navy and its army. He is to-day a Spanish citizen arraying Spanish subjects against the United States. He had a great opportunity to do so, because by the terms of the protocol, by the operation of international law, he had a free field for his operations. We had taken all effective Spanish soldiers in the island prisoners, so that Spain could not resist him. We had tied our hands by the protocol until a treaty of peace should be declared, so that the United States could not resist him.

By reason of the situation free course was given him in all his operations. He has gathered an insurgent band and to-day gives notice to the United States that unless he is recognized as the ruler of that territory he will contest his right by armed attack upon the armies of the United States. The situation is critical. He is in arms, using the arms which the United States furnished him, and in arms against the United States authority. That is the situation. Against whom else is Aguinaldo in arms? Against whom else are the threats of warfare? The ratification of a peace treaty will give the United States rights which it does not possess now. It will give the United States the right then to say, "We are in control of these islands, attack us if you dare," and in a very short time, without warfare, this insurgent band will melt away, better counsels will prevail, and a government superior, immensely superior, to anything which Aguinaldo could establish there will bless the inhabitants of those islands.

To defeat this treaty relegates us to a state of war legally. What will happen then no human being knows or can foresee. Whether actual warfare will go on, or whether Spain will submit to what she will consider a game of the United States played upon her and say to us, "We have no more treaties to make; we made one and you refused it; do your worst"; and thus keep us interminably in a state of legal war, or whether she may negotiate some new treaty, no human being knows. It is probable, Mr. President, that she would insist, as I think she might have a right to insist, in morals if not in law, that if we do not take the Philippines, which she has agreed to cede to us, we shall at least restore her to the position which she occupied in the Philippines at the time the peace commissioners met. That would be nothing but fairness, Mr. President. I do not say whether it would be law or not.

Will some Senator who wishes these resolutions passed tell me what he proposes, when the treaty is rejected, to have the Government of the United States do, what he proposes to have the commander-in-chief of the army and navy of the United States do?

Senator Bacon.—I simply desire to say that the object of these resolutions is not to defeat the treaty, but to secure its ratification.

Senator Platt.—This treaty, then, is to be voted against unless the Senate, whether it believes in these resolutions or no, will adopt them. I do not see how that differs from the introduction of these resolutions for the purpose of defeating

the treaty, unless a minority of the Senate can compel the majority to vote for them.

With the passage of the joint resolution and the ratification of the treaty secured, as they tell us it may be by the passage of the joint resolution, how is the United States going to maintain the slightest authority thereafter in the Philippine Islands for any purpose, either in the city of Manila or elsewhere, except by consent of Aguinaldo and his insurgent band and his shadowy congress? Is the Senate of the United States going to place itself in that position?

On February 2 John C. Spooner (Wisconsin) upheld annexation.

A great point is made against the ratification of the treaty upon the theory that it violates the Declaration of Independence, particularly that phrase in the Declaration which asserts that "all government derives its just powers from the consent of the governed." No one, I presume, will deny the philosophical truth of that declaration.

It is like the declaration "All men are born equal." Philosophically and in a subtle and abstract sense that is true. In the world, in the practical life of the world, it is not true, and it never has been true. "In the corrupted currents of this world" it is impossible for men or for nations in all their conduct to be governed by strict abstract right.

Never since the foundation of this Government have we in the acquisition of territory paid the slightest attention to the "consent of the governed." Thomas Jefferson, who, as the author of that great Declaration, won undying fame, was the first man under our Government to violate it by the acquisition of Louisiana. No one asked the consent of the inhabitants there to a transfer of their allegiance or a transfer of the territory.

The same thing was true of Florida. The same thing was true at the end of the Mexican war when we acquired California, Utah, and the territory west of the Missouri. Who ever asked the consent of those people?

There have been many instances in our history, not related entirely to territory, either, in which as a matter of practical affairs that abstraction could not be regarded. I cannot stop to mention them, nor do I care to. It never can be until the millennium comes. It never can be while government is intrusted to men and holds sway over men. It never can be until perfection comes into life, and until the weaknesses, the passions, the vio-

lence, the faults, and the foibles of our common humanity are eliminated.

Take the case of Hawaii. I was not in favor, as I have said, of the annexation of Hawaii. It was done by a joint resolution of Congress. Did anyone pay any attention to the consent of the governed? A protest by the inhabitants of those islands, numbering, I think, 14,000 or thereabouts, was presented by the senior Senator from Massachusetts [Mr. Hoar] against annexation. They loved their own country; they wanted their own little independent republic out on those islands in the Pacific sea; they sought no annexation to the United States. But, Mr. President, without regard to this Declaration of Independence, our people annexed those islands and transferred their allegiance to us. More than that. The Senator from Georgia [Mr. Bacon] offered an amendment to the annexation resolutions, providing for a popular vote of the natives on the question.

That was voted down. I announced that if not paired I should vote for it. The senior Senator from Massachusetts [Mr. Hoar] is recorded as voting against it. I do not call attention to that to reflect upon any Senator or any Member of Congress. I call attention to it only as warrant for my proposition, that never has this Government in the acquisition of territory paid the slightest attention to "the consent of the governed."

But there is another thing about it. The doctrine that no territory shall be acquired without the consent of the governed never has been and never can be admitted into international law. It never has been, and so long as the law of conquest exists it never can be permitted a place in peace negotiation or treaty. It is said by Hall:

> The rights of a State with respect to property consist of the right to acquire territory, in being entitled to peaceable possession and enjoyment of that which it has duly obtained, and in the faculty of using its property as it chooses and alienating it at will. . . . The principle that the wishes of the population are to be consulted when the territory which they inhabit is ceded has not yet been adopted into international law, and can not be adopted into it until title by conquest has disappeared.

The Senator from Connecticut [Mr. Platt] the other day, in his speech, when asked whether government derives its just powers from the consent of the governed, said, "From some of the governed"; and he was called to account for that—I was about to say lampooned—not once, but many times. I dare to assert here to-day that the Senator's answer was absolutely accurate. It is some of the governed who consent to government every-

where. There is only one place in the world I know of where the exercise of power depends upon the unanimous consent of the governed, and that is the Senate of the United States. [Laughter.]

We must not shackle ourselves. War is wicked. War is brutal. Some one has said it is "organized brutality." It is pitiless. But nations sometimes must engage in it. This Republic was obliged to engage in it, in the opinion of Congress, since sustained, I think, by the public opinion of the United States. When it is waged we, as other nations, must be free to deal with the conditions of peace as best protects our interests.

This is true, too, Mr. President, after all, that, as wicked and wasteful and desolating as it is, it has many times happened, and will happen many times again, that only out of the soil made rich by the blood and the ashes of war can the beautiful flowers of liberty blossom.

And so, not looking at it from the philosophical standpoint, not dealing with it as a mere abstraction, dealing with it as practical men, the servants of a practical people, with a momentous duty imposed upon us, I say that in this case the doctrine invoked from the Declaration of Independence has no place.

It has been asked, Why did not the treaty deal with the Philippines as it does with Cuba? and my understanding is that if such were the form of the treaty it would be generally unobjectionable. What would have been in that event the situation? In my judgment it would have put the Government of the United States in an impossible situation. Let us analyze it for a moment. By this treaty Spain relinquishes her sovereignty over Cuba and her title to Cuba, with the statement, hardly an agreement, that we are to occupy the island, and an agreement that while we occupy it we shall discharge the duties imposed by international law upon a military occupant. Note also that Spain relinquishes sovereignty and title not to any particular grantee.

The President and our commissioners would not accept the cession of Cuba to the United States for obvious reasons. Upon our theory of government it must be true that the sovereignty and title thus relinquished by Spain vest in the people of Cuba. Certainly if they do not vest in the people of Cuba they remain in the kingdom of Spain. They cannot be *in nubibus*. They must be somewhere. I assume that, the title being abandoned by Spain, and the sovereignty relinquished by Spain, they are not relinquished to the world, but are relinquished to the people

vitally interested in them. Suppose the same provision were incorporated in the treaty as to the Philippines.

What would be the situation? The Filipinos, except the individuals who aided us, have been our enemies in contemplation of law, because the subjects of a power with which we were at war, and the moment a treaty was signed and ratified, relinquishing the title and sovereignty to the Philippine Archipelago, that sovereignty and title, upon my contention, would vest, if it passed from Spain, in the people of the archipelago. That moment, ceasing to be the subjects of Spain, they would, of course, cease to be the enemies of the United States. In fact, the ratification of that treaty would bring peace between Spain and the United States, and, therefore, in law, peace with Spain and her subjects everywhere.

In this condition how would we obtain the right for one moment in law to do what our people feel should be done to save the Filipinos, to maintain order among them, to help them to establish a government, to protect them from anarchy among themselves and spoliation by other governments, and, in addition, what should not be forgotten, the right in the long run to take care of the commercial and other interests of the United States in the archipelago? I can see in that event but one thing that we could rightfully do unless the people acquiesced in our plans, and that would be to withdraw our troops and sail away from the archipelago and leave that people abandoned. Leave them to anarchy. War is bad enough, God knows. It is pitiless enough, but, after all, it is conducted on rules based on justice and framed in the interest of civilization. Anarchy is unspeakably worse than war. Anarchy gives full play to all the passions and bloodthirstiness of men unrestrained by law. War is cruel and bitter, but anarchy is hell let loose upon the earth.

We do not yet know, nor does anyone yet know, I think, what we will deem it wise to do in the Philippine Archipelago. No one can well doubt that the purpose of the United States in accepting this cession is one of benevolence and good will to that people.

But, Mr. President, an acceptance of this cession does not determine at all, in my view, the future policy of the United States as to the Philippines. I am not in favor of the resolution of the Senator from Georgia, not because I differ from the sentiment expressed in the last one, but I am not in favor of tying the hands of this Government as to the future. It is our business to make laws, not to fulminate policies.

The irrevocable policy of the American people is to be determined by the American people, not by their uninstructed temporary servants. When they have had time to consider this subject, not when the flags are fluttering and the bands are playing and the troops are marching, but in the calm of their firesides, in the light of debate upon the rostrum, they will render a judgment which must be controlling.

One who is not willing, Mr. President, to rely upon the sober second thought of our people upon this question, and all questions, impeaches the success of republican government. I have no fear that the people who went to war to give liberty to Cuba will in the end arrive at a conclusion which will oppress the Filipinos, or which will violate the Declaration of Independence in the Philippine Archipelago. The ideals upon which this Government is founded are the ideals of the American people. We have not the power to commit them to an unchangeable policy. We have neither right nor reason to doubt that their conclusion will religiously maintain the best ideals of the Republic, and will be in harmony with justice, generosity, and the highest civilization.

John W. Daniel (Virginia) opposed annexation.

The obligation that we owe to the Filipinos is the obligation of comradeship. It is the obligation of fraternity. It is not pecuniary; it is honorary. It comes under that class of obligations which has as its touchstone and its watchword *noblesse oblige*. Having accepted comradeship—call it ally, coadjutor, coöperator, or what not—having accepted the fact of friendship and clasped hands on the perilous edge of battle, we cannot renounce the hand that we there clasped and treat the man or the men who gave us those hands otherwise than as friends.

What is it, Mr. President, if you strike the gun out of the hand in which you put the gun and aim the gun at the breast which touched elbow with your elbow when you went down to battle? What is that? I name it not, but it is not *noblesse oblige*. We cannot leave the Filipinos in the hands of Spain. No, no, no. Americans cannot so treat those who were their comrades.

What next? Recognize their independence as a nation? I say, "No." They have not yet made themselves an independent nation. We do not know whether they can or whether they will make themselves such a nation as can assume international obligations and maintain themselves in the great family of

states. Recognize them and come away from the islands? No; we cannot now come away from the islands. We need only look skyward to see that the birds of prey are circling around the Philippine Islands. We can leave them neither in the hands of Spain nor to become the prey of the first vulture that sweeps upon them.

What next? The face of the treaty tells us how to treat them. Exactly as we have treated Cuba. We are now in military occupation of the Philippine Islands. Let us stay in military occupation of the Philippine Islands until such time as we know more about them than we do, until we have assisted them with our kind offices and with our national prestige and with our force of arms into such destiny as may fitly and justly await them, into such destiny as they have projected for themselves.

What is the difference between doing that, Mr. President, and ratifying this treaty? It is the difference between planting an empire there and maintaining the temporary ascendency of American power there.

The one thing, such as we have proposed and are doing in Cuba, is essentially transitory; it is ambulatory; it admits of a moment's change. The President of the United States, as the commander in chief of our armies, can withdraw in honor, in propriety, in justice the troops from Cuba whenever good sense and sound policy dictate. Why not leave him to do the same as to the Philippine Islands? With far more reason may we do that as to the Philippine Islands than with respect to Cuba.

Cuba is a natural part of the American continent. It has been, ever since we ourselves have been a nation, within the range and under the sphere of influence of the American Republic. As the Hon. Thomas Francis Bayard said when he was Secretary of State in the first Administration of Mr. Cleveland, we have established a protectorate over the Western World. It has always been and it is to-day under the wing of the people of the United States out of the necessity of our geographical situation. The Philippine Islands have never been and naturally can never so be. Why not, then, leave them in that situation in which we may determine our policy at leisure, studiously, sedately, with full comprehension of all those facts and conditions of which we now claim to know and of which we do know so little?

We stand to-day by the bank of a broader and a deeper Rubicon than ever Cæsar meditated beside. At our feet we hear the swash of the great Pacific Ocean, and beyond lies the

expansionists' dream—Cæsar's Rome. Cæsar never did wrong without just cause. That is the imperialistic plea. America will not do wrong without a great temptation. That to-day is the emancipationists' plea. For my country I hope that she will ne'er do wrong.

Let no glittering temptation of trade, let no gold from the gorgeous East tempt her eye or her hand. She stands to-day the foremost nation of the world. She stands to-day the foremost nation that ever the world has seen. Let her tread with secure and steady steps along her own highways, respecting nations and respecting men, putting into the dream of every child that goes to school that vision of liberty of which the Declaration is the great figure and of which the Constitution is the rock-bound foundation. Let her to the tempter of expansion to-day say, as He said who stood upon the mount when the glories of the earth were stretched before Him: "Get thee behind me, Satan."

Mr. President, peace! Peace! This treaty is not a treaty of peace except in formal ceremony with Spain. It is a declaration of war against the Philippine people, not by Congress, but in necessary and logical effect. We know that the Filipinos are in arms. We know that they have an army of from 12,000 to 30,000. We know that they are seeking to work out their own destiny. The moment that this treaty is adopted the Filipinos are made citizens, and the moment they are made citizens, if they do not instantly lay down their arms, they become rebels. The tie of allegiance is created with this Government, and when the President or commander-in-chief says, "Our sovereignty is here; lay down your arms," they bear them no longer, under the penalty of death.

Mr. President, my country—may she ever be right; but my country, right or wrong. That is my doctrine. If the treaty is passed, I believe it is constitutional and authoritative. I do not deny the legal or constitutional right. I accept the fate and the decree of my country, and I stand with my people and my kind. At the same time I know what it means. I would that this cup might pass from us. There is a line of battle in the Philippine Islands of a dusky race, who have reared a flag and who have asked that they might be free. The moment this treaty passes, if they do not lay down their arms, it is the duty of the American President to order it, and it is the duty of the American soldier to shoot them to death and to make them lay down their arms under the penalty of execution in battle.

I hope that may not happen. I pray it may not happen. But, oh, if it should happen, what a conclusion is that of a holy and a righteous war begun for humanity and for liberty, and what justification has this nation before God and man?

Mr. President, there be those who see an American scepter in the eastern sky. It may be that that scepter is there; but if that scepter be there, it is not a scepter that sparkles by the side of the star that shone over the manger of Bethlehem when the shepherds watched their flocks at night and when the wise men, looking for the Messiah, came.

No, Mr. President; I would rather invoke to-day that star which hovered over old Independence Hall on the morning of that 4th of July, 1776, when the world waited the deliverance of a mighty message; I would point to that star, the star of the great northern Republic, founded by the great white race of the northern nations; I would say we go on no war of conquest; I would say that we respect the weakest and the most helpless of mankind; I would say to the men who are fighting for their freedom, be they many or be they few, be they in Cuba or be they in the Philippine Islands, that to them the great American Republic gives the salute of honor and dares not condescend to put her foot upon their necks.

I would point again, Mr. President, to that bright star that beamed over Independence Hall in the bright morning of our birthright, and I would hope that ever hereafter we might say of it that of its—

> . . . true-fix'd and resting quality
> There is no fellow in the firmament.

[Applause in the galleries.]

On February 4 hostilities broke out at Manila between the Filipino and the American troops. The news of the battle reported in Washington contributed greatly to the ratification of the Treaty of Paris two days later by the Senate.

On this day (February 6) Samuel D. McEnery [La.] moved the following joint resolution:

Resolved, That by the ratification of the pending treaty of peace with Spain it is not intended to incorporate the inhabitants of said islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States. But it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said

islands, to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

SENATOR HOAR.—I move to amend the joint resolution by inserting, after the words "the inhabitants of said islands," and before the words "a government," the words "with the consent of the people thereof."

The amendment was tabled by a vote of 45 to 34.

SENATOR HOAR.—I move to amend the resolution by inserting after the words "territory of the United States" the words "or to force a government upon them against their will."

This amendment was tabled by a vote of 46 to 30.

Senator Bacon then proposed the following amendment:

Resolved further, That the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands, and assert their determination, when a stable and independent government shall have been erected therein, entitled, in the judgment of the Government of the United States, to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people.

On February 14 the Bacon amendment came to vote. There were 29 yeas and 29 nays, and the Chair (Vice-President Hobart) cast the deciding vote in the negative. The McEnery joint resolution was then passed by a vote of 26 to 22.

The subject of the annexation of the Philippines was discussed at even greater length in the House of Representatives in connection with various appropriation bills and a bill for the reorganization of the army, but no material points were elicited beyond those brought out in the Senate debate.

As has transpired in the debate in January, 1899, President McKinley appointed a commission consisting of President Jacob Gould Schurman of Cornell University, Admiral George Dewey, General E. S. Otis, Charles

Denby, and Dean C. Worcester to investigate conditions in the Philippines, and to work for the acceptance of American rule by the natives. The commission began its work in March, and on April 5 issued a proclamation to the Filipinos explaining the purpose of their mission.

The proclamation had little effect. Skirmishes continued about Manila, little headway being made in subduing the Filipino forces until late in the year, and early in 1900, when these were driven to the mountains.

In February, 1900, the President intrusted the provisional government of the islands to five civil commissioners: Judge William H. Taft (chief), Dean C. Worcester, Luke E. Wright, Henry C. Ide and Bernard Moses. By January, 1901, the chief local governments were reorganized, an electoral system was adopted with educational and property qualifications, and a constitution provided for each province with autonomy limited by consent of the commission.

On March 23, 1901, Aguinaldo was captured, and forcible opposition to American rule virtually brought to an end. In June the civil and military administrations of the islands were separated, Judge Taft becoming Civil Governor, and courts were created, each consisting of both American and Filipino judges. In September other departments of government were established.

On June 1, 1902, the United States Government enacted a bill for the temporary government of the Philippines, confirming the previous executive orders and extending to the Filipinos the Bill of Rights in the United States Constitution, with the exception of the right to maintain a militia, and the right of trial by jury. By the act a legislature was established, the commission constituting the upper house, and delegates chosen by the qualified electors the lower.

Up to the establishment of civil rule the cost of the Philippine war to the United States was over $170,000,000.

In the Presidential campaign of 1900 the question of "Anti-Imperialism" was declared to be the "paramount issue" by the Democratic party and its candidate, William J. Bryan. A number of influential Republicans,

including Senator Hoar, supported Bryan on this issue. The reëlection of William McKinley was affirmed by the other Republicans to indicate that in the deliberate opinion of the American people the United States had a sound title to the islands and that the government of colonies was not inherently antagonistic to our republican system.

In later Presidential campaigns the Democratic party reiterated its position. Its platform of 1912 favored "an immediate declaration of the nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established—such independence to be guaranteed by us until the neutralization of the islands can be secured by treaty with other powers." It added that in recognizing this independence our Government should retain such land as might be necessary for coaling stations and naval bases.

The Republican platform of 1912 declared that the Philippine policy of the party was "inspired by the belief that our duty toward the Filipino people is a national obligation which should remain entirely free from partisan politics."

CHAPTER VII

Neutrality of the Isthmian Canal

THE CLAYTON-BULWER TREATY

Early Isthmian Canal Projects—The Clayton-Bulwer Treaty—Debate in the Senate on the Treaty: in Favor, John M. Clayton [Del.]; Opposed, Stephen A. Douglas [Ill.]—Later History of the Treaty—Contention of Secretaries of State James G. Blaine and Frederick T. Frelinghuysen That the Treaty Was Obsolete; Lord Granville Declares It in Force.

THE question of an interoceanic canal across Central America arose in the United States and the Latin-American countries shortly after the latter had established their independence, and were seeking an alliance between themselves and with the United States for protection against aggression from European monarchies.

The project formed one of the subjects proposed for discussion at the Panama Congress of American republics, held in 1826 [see Vol. II, page 234]. Henry Clay, Secretary of State, instructed the United States commissioners to the Congress to investigate the practicability and the probable expense of the undertaking along the routes which afforded the greatest facilities.

On March 3, 1835, the Senate unanimously recommended to President Jackson that he open negotiations with the governments of other nations, particularly the Central American states and New Granada (now Colombia), to protect by treaty private companies undertaking to construct an isthmian canal, the treaty stipulations to secure also free and equal navigation forever to the contracting nations on the payment of reasonable tolls to the capitalists.

In a speech on the resolution John M. Clayton (Delaware) declared:

> "If, in completing such a work, fifty or a hundred millions (aye, one-half the money vainly expended in attempting to discover the Northwest Passage) should be expended, it would be a cheaper outlay, and render more benefits to the world, than an equal expenditure in any other enterprise that had ever been or could be undertaken by man."

President Jackson heartily approved the resolution, and on May 1, 1835, sent Charles Biddle of Philadelphia to examine first the Nicaragua route and then the Panama route. Mr. Biddle, acting in his own interests, disobeyed instructions, never visiting Nicaragua, but going to New Granada, where he obtained for himself and other capitalists of the United States an exclusive grant of the right of way across Panama. Returning, he coolly informed John Forsyth, the Secretary of State, that it was "unnecessary to enter into any negotiations with other nations upon the subject."

The President was highly displeased, and Secretary Forsyth, on September 23, 1836, disavowed to New Granada the contract.

The project of an isthmian canal was taken up in 1839 in the House, a memorial on the subject having been presented by the merchants of New York and Philadelphia. The House unanimously passed a recommendation to President Van Buren almost identical with the Senate's recommendation to President Jackson on March 3, 1835.

In 1847 President Polk negotiated a treaty with New Granada in regard to an interoceanic canal or railroad. In his executive message of February 10, 1847, communicating the fact to the Senate he approved the policy adopted by his predecessors and Congress, repudiated the idea of an exclusive grant to the American people, vindicated the principle of equal rights to all nations, and asserted that the canal or railroad should be treated purely as a commercial and not a political project. The treaty was ratified by 29 yeas to 7 nays, every Democrat voting for it.

Zachary Taylor, upon coming to the Presidency in 1849, called Senator Clayton to the office of Secretary of State. Secretary Clayton found that two rival companies, one British and one American (led by Cornelius Vanderbilt), were planning for a canal across Nicaragua. The British company based its claims for the grant upon the pretension that Great Britain was a political power in Central America, being the protector of the Mosquito coast. The American capitalists appealed to their Government for aid in obtaining the grant. President Taylor, in response, sent E. George Squier as *chargé d'affaires* to Central America, superseding the incumbent, Elijah Hise. Squire's instructions, dated May 1, 1849, were to aid the Vanderbilt syndicate to obtain the grant from Nicaragua. They reiterated the canal policy now traditional with the United States Government.

Mr. Hise at once bestirred himself before he should be superseded by the advent of Squier, and, on June 21, 1849, negotiated a treaty with Nicaragua granting to the United States or a company of its citizens the right across the isthmus, not only for a canal, but for a railroad or turnpike.

The Taylor Administration refused to send this treaty to the Senate for ratification, although it held it in suspense for a time as a means of influencing the action of Great Britain in negotiations then in progress to settle the British claims to the Mosquito protectorate.

As the claims of Great Britain involved the territory around the mouth of the San Juan River, the proposed eastern terminus of the canal, and it was thought too serious an undertaking to dislodge her, it was resolved to secure her coöperation in guaranteeing the neutrality of the canal. This was accomplished on April 19, 1850, in a treaty made between Secretary Clayton and Sir Henry L. Bulwer, special ambassador of Great Britain to the United States.

The main provisions of the treaty were:

(1) Neither power was to exercise exclusive control over the canal; (2) or to "occupy or fortify, or colonize or assume or exercise any dominion over Nicaragua or any other part of

Central America"; (3) both parties guaranteed the protection and neutrality of the canal; (4) agreed to invite other friendly powers to join in the foregoing stipulations, and (5) to form treaties with the Central American countries in order to secure the construction of the canal; (6) British and American vessels were to be exempt from detention, blockade, or capture while traversing the canal; and (7) the two powers were to extend their protection to any other system of transportation, such as a railroad, across the isthmus.

The treaty was ratified by the contracting governments on July 4, 1850. Shortly after the execution of the treaty renewed complaints were made from Central America of British occupation of territory there.

A debate upon the treaty occurred in the Senate during a special session in March, 1853.

The Clayton-Bulwer Treaty

Senate, March 9-21, 1853

In the preceding session Senator Stephen A. Douglas (Illinois) had attacked the Clayton-Bulwer treaty on the ground that it abandoned the Monroe Doctrine.

On the first day of the special session (March 9) Senator Clayton made an extended speech in which he repudiated and endeavored to refute the charge as well as to vindicate the treaty.

He denied that the treaty violated the Monroe Doctrine, and pointed to the unanimous affirmation of its principles by President Jackson and the Senate in 1835, and the unanimous affirmation of them by President Polk and the Democratic Senators in 1847. "The Senator from Illinois, it would seem, is not of that school," commented Senator Clayton.

Senator Douglas having criticized him for his action on the Hise treaty, Senator Clayton then proceeded to justify himself in the matter.

Mr. Hise's treaty proposed, first, that the Government of the United States should undertake and construct the canal in Nicaragua; and, secondly, if it should decide not to do so, then

either the President *or* Congress should issue a charter or act of incorporation for the purpose. As to the first proposition, I have never yet met with any man of any party who supposed that our Government had power to make improvements outside the United States and their territories. Mr. Polk denied that it had power to make internal improvements, and Mr. Buchanan, his Secretary of State, was of the same strict-construction school. As to the second proposition, to confer upon the President *or* Congress the power to issue a charter or act of incorporation for the purpose of cutting a canal in Nicaragua, I need not ask the question, Who believes that either of them could exercise such a power under the Constitution? No foreign government could confer a greater power upon our President or our Congress than the Constitution delegates to them. The power of Congress to create a corporation within the limits of the United States was denied by Mr. Polk. But if there be any man (except the Senator from Illinois, Mr. Douglas) who thinks that either the President (who has no legislative power) *or* Congress, or both combined, have power to issue a charter incorporating a company to make a canal in Nicaragua, or a railroad in China, I have not yet seen him.

By the twelfth article of Mr. Hise's treaty it is provided, in consideration of the monopoly granted and the other grants in the preceding articles, that—

"The United States of America doth solemnly agree and undertake to protect and defend the State of Nicaragua in the possession and exercise of the sovereignty and dominion of all the country that may be rightfully under the jurisdiction of the said state, and when the circumstances and condition of the country may require it the United States shall employ their naval and military force to preserve the peace and maintain the neutrality of the said territories, and to hold and keep the same under the dominion and sovereignty of the Government of Nicaragua."

Does any man here defend such a treaty as that? This is one of the first instances since the ancient entangling alliance made with France by the treaties of 1778, in which any minister of this Government has attempted to disobey the solemn injunction of the Father of his Country to avoid all such political connections. For this is a political, not a mere commercial, alliance. It is difficult to perceive how it could have failed to plunge us into a war. Mr. Polk, in his message to the Senate, when transmitting the treaty which provides for the protection of the Panama railroad, that the Province of Panama shall be neutral territory, justifies that treaty on the ground that it is a treaty for commercial purposes merely, and not a treaty for a political alliance,

which he admits would have been fatal to its confirmation. On the very principles laid down by Mr. Polk in that message it is impossible that he could have ever consented to the ratification of Mr. Hise's treaty.

There are other articles in this treaty sufficiently absurd to condemn it. But if I have not already shown enough for that purpose I feel that it would be useless to refer to any others. Is there a man in this Senate who will dare to stand up and say he would have voted for it? Not one! And if the whole Senate had voted for such a treaty it could never have been ratified either by President Polk or by President Taylor.

It was under these circumstances that the Senator from Illinois [Mr. Douglas] made a charge against me on the floor of the Senate, on the 14th day of February last, that *I* had suppressed Mr. Hise's treaty. What right had he to say that *I* had suppressed the treaty? As a Senator he ought to have known, and if he attended to his duty, and read the correspondence transmitted to the Senate by the President, he did know that it was utterly untrue; for General Taylor himself informed the Senate that he had declined sending it to the Senate for ratification, for reasons which I have already given. If the Senator meant to say that I had concealed the treaty then his statement was equally destitute of truth, for he knew well that I had sent that treaty to Congress on the 18th day of July, 1850, and that it was among the published documents when he made the statement.

Senator Douglas here said he meant only that the treaty had not been sent to the Senate for ratification. Senator Clayton continued:

The Senator has been on many occasions engaged in making charges against the Administration of President Taylor that this treaty was not submitted to the Senate for ratification. I have read publications of some of his stump speeches in regard to this treaty—has he any complaint to make *now?* Dare he now say that he would, under any possible circumstances, have voted for that treaty? Would he desire me to send such a treaty as that to the Senate for ratification? Would he ratify it? He cannot say that he would; and, if he cannot, with what show of propriety did he arraign me or President Taylor for declining to offer it to the Senate for ratification?

The Senator is shocked that we cannot annex the Central American Republics to the United States; yet he himself professes, almost in the same breath, to be opposed to the annexa-

tion. He amuses us with the assertion that the treaty of the 19th of April, 1850, is a negation of the Monroe Doctrine in every particular; yet in the next breath he asserts that the treaty and the Monroe Doctrine are so identical that a violation of one is a violation of both. And he urges us to make an issue with the British Government about the colony of the Bay Islands, which he says is a striking infraction of the treaty as well as the Monroe Doctrine, and presents a very pretty quarrel as it stands. He is a great advocate of the Monroe Doctrine, yet refuses to vote for that doctrine when asserted in a resolution presented by one of his own party.

As he declared that his reason for opposing the treaty of the 19th of April, 1850, was its "negation of the Monroe Doctrine," I propose to examine the history of that doctrine, with a view to show not only that his assertion is unfounded, but that, while the policy indicated by the treaty has been the established policy of this Government for more than twenty years, the Monroe Doctrine never has been established as a principle to regulate the action of this Government, and has been repudiated as often as an effort has been made in Congress to sustain it. In saying this I do not mean to be understood that the executive branch of the Government has not recommended it to Congress for effect or to attain a special object, nor do I mean to censure any President for doing so, but the President does not constitute the Government; and I mean to say that neither the President and Senate, by any treaty, nor Congress, by any vote or resolution, have ever sustained it.

Mr. Monroe's declaration was made in his seventh annual message to Congress, on the 2d of December, 1823.

This celebrated declaration, which is often quoted as a pledge to go to war with any European nation which shall attempt to colonize any part of this hemisphere, is not a declaration by the President to a foreign country, but a mere recommendation to Congress. Congress utterly refused to adopt the recommendation at the time, and has ever since refused to make any such declaration. Mr. Clay, who was an ardent supporter of Mr. Monroe's Administration, did, at the time, propose a resolution to the House of Representatives, which was intended to *approach* the declaration, but even that failed. His resolution was, "that the people of these States would not see, without serious inquietude, any *forcible* interposition *by the allied powers of Europe,* in the behalf of Spain, *to reduce to their former subjection* those parts of the continent of America which have proclaimed and established for themselves, respectively, independ-

ent governments, and which have been solemnly recognized by the United States." Even had this passed it was but a poor response to the recommendation. It did not adopt Mr. Monroe's language or its equivalent, and it restricted "the serious inquietude" we should feel to the case of a *forcible* interposition *by the allied powers to aid Spain!* But Mr. Clay's resolution, even when thus diluted, backed by all the influence which he and Mr. Webster exerted on the occasion, never passed the House of Representatives. The Hon. James K. Polk, during the debate on the Panama mission, tells us the fate of Mr. Clay's resolution, and of Mr. Webster's kindred Greek resolution, which was defeated by a large majority at the same session. As Mr. Polk is often cited as an advocate of the opinion that Mr. Monroe's presidential message had pledged the nation to adopt the policy which Mr. Monroe merely recommended I beg to refer to his speech on the Panama mission, in 1826, as showing that he did not consider such recommendations as he and Mr. Monroe gave to Congress as in any sense binding upon this Government, without the consent of Congress.

In the same debate on the Panama mission James Buchanan opposed the mission on the same grounds.

Mr. Buchanan's complaint against Mr. Clay, which, he thought, went to show the weakness of Mr. Clay's head, was this: that he had instructed Mr. Poinsett to bring to the notice of the Mexican Government the message of Mr. Monroe, and that Mr. Poinsett had said to the Mexican Government that "the United States had pledged themselves not to permit any other power to interfere with the independence or form of government of the Spanish-American Republics." I know it is claimed that in Mr. Buchanan's intructions to Mr. Hise he asserted the Monroe Doctrine; but on a careful examination of his language it will be found that he did not instruct Mr. Hise to make any such declaration, and only said that European interference with the domestic concerns of the American republics would "jeopard their independence and ruin their interests," and in the very next sentence he assigns a reason why the United States decline to resist such interference. In the same instructions he tells Mr. Hise "it is our intention to maintain our established policy of non-intervention in concerns of foreign nations."

The most impassioned eloquence, urging again and again that Nicaragua was about to fall a victim to British aggression, and entreating the United States to interfere on the very principles advanced by Mr. Polk himself, in his message at the first session of the Twenty-ninth Congress, and reiterated in his Yuca-

tan message, was of no avail. There *seemed* to be no chord in the bosom of that Administration which vibrated to the touch of those who kneeled and begged for succor in this dark hour of their distress. The Monroe Doctrine was laid aside; the President's own recommendation to Congress had, we must suppose, also, like Mr. Monroe's, "*performed its office.*" The British, in their ships of war *Alarm* and *Vixen,* entered the San Juan river without *even a remonstrance* from our Government, on the 8th of January, 1848, and while Mr. Polk and Mr. Buchanan slumbered over all these forewarnings of the fate of Nicaragua, took the town of San Juan, and changed its name to "Greytown," stormed the fort of Serapaqui, and, in the island of Cuba, in the midst of the magnificent lake of Nicaragua, dictated their own terms as conquerors to the unhappy people, who, relying upon our supposed promises of help contained in the President's previous public avowal of the Monroe Doctrine, had dared to wage war and expend their blood in defence of their native land. The documents before Congress exhibit on the part of our Government the most cold and contemptuous silence —a perfect indifference to all the appeals of our weak sister republic, and her letters were never answered until they were answered by Zachary Taylor, who *has been so much abused for not carrying out the Monroe Doctrine!* His letter to the President and mine to the Secretary of the State of Nicaragua are among the published documents before you; and how fully they refute the calumnies which, for three years, have filled a portion of the party press of this country and disgraced its character for veracity all men are now free to judge.

It is very remarkable that the Democracy, at the very origin of their present party, totally repudiated the whole Monroe Doctrine and came into power on the principle of Washington's doctrine of non-intervention. It has been often said, and there is much reason to believe, that Mr. Adams, who was Secretary of State at the time Mr. Monroe proposed the doctrine, was entitled to the paternity of it. Mr. Calhoun once intimated so much in the Senate. It was the principal topic of discussion in Congress during the administration of Mr. Adams, and it was generally believed at the time that the reassertion of the Monroe principle in Mr. Poinsett's instructions, and in the course adopted by the advocates of Mr. Adams in favor of the Panama mission, drove Mr. Adams from power and secured the election of President Jackson, whose party, shortly after his election, assumed the name of the Democratic party. Among his most ardent advocates was Mr. Van Buren, the great Coryphæus of that party,

who, in a speech in the Senate, opposed the Panama mission and the Monroe Doctrine.

This speech was pronounced the ablest delivered in Congress since Mr. Pinkney's reply to Mr. King.[1] I could fill volumes from the speeches of Mr. Hayne, Mr. Rives, Mr. McLane, Mr. Calhoun, and all the ancient leaders of the Democratic party against this Monroe Doctrine. The Senator from Michigan [Lewis Cass] was perfectly correct when he said that this declaration of Mr. Monroe had lain, ever since its origin, a dead letter on our records. His recent attempt to revive it by his resolution at the last session [see Vol. II, page 286], closes the history of the Monroe doctrines. That resolution met with such violent opposition from his own party as to give us the assurance that no President who should undertake to act upon it could be sustained. With all similar resolutions, recommendations, and declarations, it was consigned to "that same ancient vault where all the kindred of the Capulets lie."

With this history before us, I would leave the Senator from Illinois the full benefit of his objection to the treaty of the 19th April, 1850, if I could. He said, and repeatedly said, that every article of that treaty is predicated upon a negation and repudiation of the Monroe declaration in relation to European colonization on this continent. The Senator does not understand the distinction between an alliance for political purposes and a compact to carry out a commercial enterprise. Every word of objection which he made to this treaty was equally applicable to Mr. Polk's treaty with New Granada to protect the province of Panama, and to Mr. Buchanan's proposition to Mr. Crampton to invite not only Great Britain, but France and other commercial powers, to enter into the same treaty stipulations which we had contracted in regard to a canal or railroad at Panama, and his opposition is founded on principles which would overthrow every commercial treaty we ever made.

But, notwithstanding his assertion that the treaty is a negation of the Monroe Doctrine in every particular, I must tell him that it presents the only instance in which an European power, which had attempted to colonize a portion of this hemisphere, and to extend the European system here, has been induced by the action of this Government to abandon the attempt. Impartial history will distinguish between such action and that mere noisy declamation to frighten the vulture from his victim, which has generally carried more consternation into the ranks of friends at home than of foes abroad.

[1] See Volume IV, chapter ii.

Senator Douglas replied to Senator Clayton.

The Senator has assigned various reasons for withholding the Hise treaty from the consideration of the Senate. The first is that it was concluded by Mr. Hise without the authority of this Government. That may be true, but it is the first time I have ever heard it urged as a valid reason for withholding from the consideration of the Senate a treaty the objects and provisions of which were desirable.

The Hise treaty furnished conclusive evidence that the Government of Nicaragua was willing and anxious to confer upon the United States the exclusive and perpetual privilege of controlling the canal between the Atlantic and Pacific Oceans, instead of a partnership between us and the European powers. The Senator from Delaware (then Secretary of State) had the opportunity of securing to his own country that inestimable privilege, either by submitting the Hise treaty to the Senate, with the recommendation that it be so modified as to obviate all the objections which he deemed to exist to some of its provisions, or by making a new treaty which should embrace the principle of an exclusive and perpetual privilege without any of the obnoxious provisions. He did not do either. He suppressed the treaty—refused to accept of an exclusive privilege to his own country—and caused a new treaty to be made, which should lay the foundation of a partnership between the United States and Great Britain and the other European powers.

The Senator's object seems to be to glorify himself and General Taylor, at the expense of Mr. Buchanan and Mr. Polk, by accusing the latter of having tamely submitted to British aggressions of great enormity, which the former promptly rebuked by expelling the British from Central America. Let me ask him the question—did the Clayton and Bulwer treaty expel the British from Central America? Has England abandoned her protectorate? What power has she surrendered? What functionary has she recalled? What portion of the country—what inch of territory has she given up? I can show the Senator from Delaware where she has extended her possessions since the date of that treaty, and in contempt of its stipulations, notably in the case of the Bay Island colony.

Are we going to submit tamely to this? If we acquiesce we submit to a double wrong—a contravention of our avowed policy in regard to European colonization on this continent; and, secondly, a palpable and open violation of the terms and stipulations of the Clayton and Bulwer treaty. If we tamely submit to this twofold wrong, the less we say henceforth in regard to

European colonization on the American continent the better for our own credit.

Here is a case where we must act if we ever intend to act. The act was done in contempt of our avowed policy. She cannot justify it before the civilized world and, therefore, dare not fight upon such an issue. England will fight us when her honor compels her to do it, and she will fight us for no other cause. And, sir, when England backs out of one colony upon our remonstrance, it will be a long time before she will establish another upon this continent without consulting us. And, sir, when England shall have refrained from interfering in the affairs of the American continent without consulting the wishes of this Government, what other power on earth will be willing to stand forward and do that which England concedes it prudent not to attempt?

One word upon the point made by the Senator that the Hise treaty was unconstitutional. If you have no right to accept an exclusive privilege to us under the Constitution, what right had you to take a partnership privilege in company with Great Britain? I choose to put the Senator upon the defensive, and let him demonstrate his right to do this thing jointly with England, and then I will draw from his argument my right to do it for the benefit of America alone. He, in his treaty, exercised the power. I have not. And he, having exercised the power, having pledged the faith of the nation to do an act, I have a right to call upon him to show the authority, under the Constitution of the United States, to make a guaranty jointly with England for the benefit of English subjects as well as American citizens.

Could we not open the canal to the commerce of the world as well by our volition as England could in conjunction with us? Would it not be as creditable to us as a nation to have acquired it ourselves, and then opened it freely, as to have gone into a partnership by which we should have no control in prescribing the terms upon which it should be opened? And, besides, if the grant had been made to us, and we had accepted it and then thrown it open to the commerce of all nations on our own terms and conditions, we held in our hands a right which would have been ample security for every nation under heaven to keep the peace with the United States. The moment England abused the privilege by seizing any more islands, by establishing any more colonies, by invading any more rights, or by violating any more treaties, we would use our privilege, shut up the canal, and exclude her commerce from the Pacific. Sir, when

you surrendered that exclusive right, you surrendered a great element of power which, in our hands, would have been wielded in the cause of justice for the benefit of mankind.

I was not for such a restrictive policy as would exclude British vesels from going through the canal, or the vessels of any other nation which should respect our rights. I would let them all pass freely, as long as they did not abuse the privilege; close it against them when they did. I insist that the American people occupy a position on this continent which rendered it natural and proper that we should exercise that power. I had no fear of a war with England. I have none now. War should be avoided as long as possible. But, sir, you need have no apprehension of a war with her, for the reason that, if we keep in the right, she dare not fight us, and she will not, especially for anything relating to American affairs. She knows she has given a bond to keep the peace, with a mortgage on all her real estate in America as collateral security, and she knows she forfeits her title to the whole, without hope of redemption, if she commits a breach of the bond. She will not fight unless compelled. Under the Hise treaty we could have fortified that canal at each end and, in time of war, could have closed it against our enemies and opened it at our own pleasure.

Then, sir, what was the objection to the acceptance of that exclusive privilege? I do not see it, sir. I know what were the private arguments urged in times which have gone by, and which, I trust, never will return; and that is, that England and other European powers never would consent that the United States should have an exclusive right to the canal. Well, sir, I do not know that they would have consented; but of one thing I am certain: I would never have asked their consent. When Nicaragua desired to confer the privilege, and when we were willing to accept it, it was purely an American question with which England had no right to interfere. Are we under any more obligation to consult European powers about an American question than the allied powers were, in their congress, to consult us when establishing the equilibrium of Europe by the agency of the Holy Alliance? It was a European question about which it was presumed America had nothing to say. This question of a canal in Nicaragua, when negotiations were pending to give it to us, was so much an American question that the English Government was not entitled to be consulted. England not consent! She will consent to allow you to do that just so long as you consent to allow her to hold Canada, the Bermudas, Jamaica, and her other American possessions. I hope

the time has arrived when we will not be told any more that Europe will not consent to this, and England will not consent to that. I heard that argument till I got tired of it when we were discussing the resolutions for the annexation of Texas. I heard it again on the Oregon question, and I heard it on the California question. It has been said on every occasion whenever we have had an issue about foreign relations, that England would not consent; yet she has acquiesced in whatever we have had the courage and the justice to do. And why? Because we kept ourselves in the right. England was so situated with her possessions on this continent that she dare not fight in an unjust cause. We would have been in the right to have accepted the privilege of making this canal, and England would never have dared to provoke a controversy with us. I think the time has come when America should perform her duty according to our own judgment, and our own sense of justice, without regard to what European powers might say with respect to it. I think this nation is about of age.

You may make as many treaties as you please to fetter the limits of this giant Republic, and she will burst them all from her, and her course will be onward to a limit which I will not venture to prescribe. What is the use of your guaranty that you will never erect any fortifications in Central America; never annex, occupy, or colonize any portion of that country? How do you know that you can avoid doing it? If you make the canal, I ask you if American citizens will not settle along its line; whether they will not build up towns at each terminus; whether they will not spread over that country and convert it into an American State; whether American principles and American institutions will not be firmly planted there? And I ask you how many years you think will pass away before you will find the same necessity to extend your laws over your own kindred that you found in the case of Texas? How long will it be before that day arrives? It may not occur in the Senator's day, nor mine. But so certain as this Republic exists, so certain as we remain a united people, so certain as the laws of progress which have raised us from a mere handful to a mighty nation shall continue to govern our action, just so certain are these events to be worked out, and you will be compelled to extend your protection in that direction.

Sir, when you look at the whole history of that question you will see that England, with her farseeing, sagacious policy, has attempted to circumscribe and restrict and restrain the free action of this Government. When was it that Great Britain

seized the possession of the terminus of this canal? Just six days after the signing of the treaty which secured to us California! The moment that England saw that, by the pending negotiations with Mexico, California was to be acquired, she collected her fleets and made preparations for the seizure of the port of San Juan in order that she might be gate-keeper on the public highway to our own possessions on the Pacific. Hence I do not sympathize with that feeling which the Senator expressed yesterday that it was a pity to have a difference with a nation so *friendly to us as England.* Sir, I do not see the evidence of her friendship. It is not in the nature of things that she can be our friend. It is impossible she can love us. I do not blame her for not loving us. Sir, we have wounded her vanity and humbled her pride. She can never forgive us. But for us, she would be the first power on the face of the earth. She is jealous of us, and jealousy forbids the idea of friendship. England does not love us; she cannot love us, and we do not love her either. We have some things in the past to remember that are not agreeable. She has more in the present to humiliate her that she cannot forgive.

I do not wish to administer to the feeling of jealousy and rivalry that exists between us and England. I wish to soften and smooth it down as much as possible; but why close our eyes to the fact that friendship is impossible while jealousy exists? Hence England seizes every island in the sea and rock upon our coast where she can plant a gun to intimidate us or to annoy our commerce. Why is she at the expense to keep her position on that little barren island Bermuda, and the miserable Bahamas, and all the other islands along our coast, except as sentinels upon our actions? Why, then, talk about the friendly bearing of England toward us when she is extending that policy every day? New treaties of friendship, seizure of islands, and erection of new colonies in violation of her treaties seem to be the order of the day. In view of this state of things, I am in favor of meeting England as we meet a rival; meet her boldly, treat her justly and fairly, but make no humiliating concession even for the sake of peace. She has as much reason to make concessions to us as we have to make them to her. I would not willingly disturb the peace of the world; but, sir, the Bay Island colony must be discontinued. It violates the treaty.

On March 14 Senator Clayton spoke in rebuttal. Senator Douglas, he said, had recklessly asserted that Great

Britain had not surrendered an inch of the territory she had seized in Central America. If the Senator had read the official papers he would have seen that the British Government had expressly stated that it would not exert force to sustain its protectorate of the Mosquito king.

If they do attempt it that must inevitably involve us in a controversy which never can terminate honorably for us without their utter abandonment of any such claim. I do not pretend that either they or we cannot interfere with a Central American state which *robs* or *plunders* subjects of their country, or citizens of the other. Were any of these states to *imprison* our citizens, or *rob* them of their property, it is our duty to protect them, and, after all efforts of honorable diplomacy are exhausted, to *compel* a full indemnity for the *wrong*. Neither the law of reprisals for torts, nor the right of any government to interfere for the protection of its citizens or subjects against oppression and outrage, has been abolished by the treaty of 1850. We should be as prompt to demand reparation for wrongs done to an American citizen by Honduras as by any other state or country, without in any way violating the treaty. Let us wait patiently and learn how the facts really are before we proclaim the perfidy of any nation. But, without blustering, let us be firm in executing the observance of the whole treaty when our intervention is really necessary to enforce it.

The honorable Senator from Illinois [Mr. Douglas] addressed a speech to his partisans in the galleries on all the topics used to excite and inflame the populace. When defeated on one point he shifted to another. From glorifying Hise's treaty (as he has done for two years) he shrunk back, when its folly was exposed, to a mere assertion that he preferred it only because it gave us the *exclusive* right of way. What has become of his Monroe Doctrine, which was the chief objection he made to the treaty? He has abandoned it—fled from it, and has not a word to say in its defence! What answer has he made to the glaring evidence of the gross unconstitutionality of the Hise treaty creating a corporation to dig a canal more than a thousand miles from the utmost limits of the United States? Not a word! He is equally silent now on every other topic connected with the treaty, upon which he harangued the populace for the last two years, except the single matter of the exclusive privilege. On that point he is yet sure he is right, and it is my duty to expose him.

The Senator from Illinois did not utter a word against the treaty when it passed. Three weeks afterward he had his name recorded against it. He was a candidate for the Presidency we all know. By taking ground against the treaty he placed himself in direct antagonism with all the other candidates for the Presidency of both parties. By making the treaty unpopular he killed off Cass, and Clay, and Webster, and Houston, and both the distinguished Senators from Virginia, and all the others who had ever been named for the Presidency. He fired into the whole flock of his rivals—shot dead, as he thought, all who could stand in his way. How persevering he has been in attacking the treaty since we all know. We know how many stump speeches he has made in opposition to it. It has been his theme by day and by night; his grand point which entitles him to preference over all others is just here. *He* is for annulling the treaty, and all the rest for it. He must kill the treaty, or it will kill him.

The Senator from Illinois complained that the treaty was a European partnership. This word "partnership" composed a large part of his address. He seemed to think that if he could only get the idea fixed in the American mind that we had gone into *partnership* with England that would make the treaty odious. So he exerts himself to rouse the ancient prejudice against England. He says she does not love us and we do not love her. Will he tell us what foreign nation he does love? An American statesman, when speaking or acting in a public capacity, has no right to love any country but his own. She furnishes an object large enough for all his affections. The great Father of his Country, in his farewell address, warns us of the folly and danger of either loving or hating any foreign nation. As to Englishmen, when we declared independence, we announced that we held them as we hold men of all other nations, "enemies in war—in peace friends." The policy pursued here by the Senator has shown him to be rather a lover than a hater of England and her people. There is just as much propriety in saying that all the men who travel on the highway are partners as that the contracting parties to this convention are such. He would view every commercial treaty with England as a partnership and therefore objectionable.

All the objections of the Senator dwindle down, I repeat, to a single point—that the treaty ought to have been a treaty for the exclusive right of way across the isthmus. He thinks that the Government of the United States should have obtained the grant—the right to make a canal, and an exclusive right

to navigate it; that forts should be built at both ends to protect it; and, of course, that we should protect it by every other means necessary. When the Government shall have made it, and when the Government shall have established the forts, the canal, he says, will be open to everybody on the same terms; and thus he seeks the exclusive grant of a right of way! What does he want with it? Why does he prefer it to the plan adopted of opening the canal to all nations on the same terms? The Senator says he would hold it as a rod—yes, a rod, to compel other nations to keep the peace! He would have no more settling of islands on the coast of Central America! If any government attempted it he would shut his canal to them! He would also compel all foreign nations to treat us with all respect and regard by means of the tremendous rod which he would hold in his hands. Let us look a little into the justice of this thing as regards our own country.

It has been supposed that the construction of this great work will cost fifty or a hundred millions of dollars. I suppose we could not build a proper fortification at each end under less than a million of dollars for each fort. We would be compelled to maintain a garrison there; and, in the event of a war, to maintain a large navy, such a one as could resist the naval powers of the earth. If we were to go to war with France, or England, or any other great naval power, that, of course, would be one of the first points of attack. How convenient would it be for us to defend it at a distance of two thousand miles, and send troops to the different forts, and ships to protect our vessels that pass through the canal! We build it, and everybody is to have the benefit of the canal on the same terms, in time of peace! In war we alone are to defend it! The interest on a hundred millions would be six millions a year. The expenses of protecting and taking care of the canal and keeping it in good order would probably, when added to the interest, make an annual outlay from the treasury of the United States in that distant country of not less than ten millions of dollars. Now, why should we make such an expenditure? Because we want a rod—a rod! Sir, I think it would prove to be a rod to *inflict injuries upon ourselves.* We want nothing but the right of way there. We proposed that no nation should go through that canal unless she agreed to protect it. In case they agreed to protect it we should want no forts, no garrisons, and no naval force to guard what none could attack. But, on the other hand, if we were to adopt the plan of the Senator we should have to keep a standing army in that country to protect it in the event of a war between us and

foreign nations. What would be thought of a man who should purchase a farm and then, after he had gone to the expense of putting it in order, invite everybody to come and till it, but should direct them to take care that they should pay no part of the expense of keeping up the repairs, nor any part of the taxes upon the land? I do not know that this or any other illustration can make his proposition seem more preposterous than it does on its own mere statement.

The Senator from Illinois said "that treaties could not fetter or confine the limbs of this giant Republic." I do not know precisely the extent to which he meant to be understood; but the language and the manner in which the Senator applied it seemed to me to go to this extent: that we had a country exempt from the obligations of treaties, and that our limbs cannot be circumscribed by treaties. We were to disregard obligations of that description, being, like a "young giant," rising in power beyond anything that had been known in the history of the world before. The Senator made the same remark in reference to the treaty with Mexico. There is a clause in the treaty of Guadalupe Hidalgo to which the Senator made great objection at the time of its ratification, in effect, that, without the consent of the governments of both countries, the line established by that treaty as the boundary between them should be the *ultima thule*—the utmost limit of our territory. Yes, sir, we plighted our faith and honor in that treaty, confirmed as it was by more than two-thirds of the American Senate, that beyond that limit we would *never* go. Yet the Senator from Illinois says that the day is coming when we shall be compelled to violate the treaty —that treaties cannot fetter our limbs or restrict our limits. Sir, I regretted to hear it, because of the influence of that Senator in his party, as one of their standing candidates for the Presidency. I should have regretted to have heard it from any Senator. We form the body that is to ratify all the treaties of the United States. We are the constitutional advisers of the President. We are a part of the treaty-making power.

Senator Douglas.—What I said was that the steady, regular growth and expansion of this country would, in all probability, go ahead in the future as it has done in the past; that you might make as many treaties as you please, and still they would not check our growth, and, because they could not, it was useless to make treaties which must of necessity be violated; hence I argued against the making of treaties pledging our faith not to do that which inevitably would be done in the future. It was an argument in favor of the fidelity and observance of

treaty stipulations, and that we *should* not, therefore, be so profuse in our pledges in cases where we could not fulfill them.

SENATOR CLAYTON.—An argument in favor of fidelity and observance of treaty stipulations, indeed! The idea is that we are incapable, from the nature of our institutions or our character as a people, of maintaining and observing treaties.

SENATOR DOUGLAS.—No, sir.

SENATOR CLAYTON (laughing).—We must grow, says the Senator. Our "manifest destiny," he means, is to extend our limits.

It was but the other day he told me we must annul the Central American treaty.

We cover a contiguous territory greater, perhaps, than ever was enjoyed by any civilized nation on earth. And yet we are told that we are not capable of binding ourselves even by treaty stipulations to observe our plighted faith and fufill our solemn engagement of honor. I remonstrate against the declaration of such a principle, or rather of such a want of all principle. It is nothing more nor less than this: let there be as many explanations on the part of the Senator from Illinois as he may choose to make—that we are incapable of controlling our impulses and passions when our interests may lead us to violate our engagements. "Treaties cannot fetter us," says he. Sir, the plighted faith of every man of honor binds him at all times, no matter what his interest may be, and the plighted faith of nations equally binds them; and the last place from which a contrary principle should be promulgated is the Senate of the United States. Here, I repeat, we sit as the constitutional advisers of the President of the United States; and, if foreign nations come to understand that the position is taken by members holding a prominent party position here that treaties cannot be any restraint upon us, what foreign nation will ever make another treaty with us? If there be a country on earth that owes more than any other to treaties it is ours. We owe our national existence to the old French treaties of 1778. Sir, Washington, in the darkest period of the Revolution, was at Valley Forge, wintering with his suffering soldiers, when the intelligence reached them that France had entered into an alliance with us, and had guaranteed our independence. The glorious news ran through all the ranks of the American army, and the great "Father of his Country" stood up and waved his hat and shouted for joy in concert with his troops! Our destiny from that moment became fixed. Every American saw that we were free, whatever doubt he might have entertained about it before. We owe, I repeat, our national

independence to treaties. And now, when we are becoming strong shall we forget it? Shall not an American statesman adhere to treaties with as much fidelity as an Englishman, or a Frenchman, or one of any other nation? Shall he not rejoice that his country does stand by her honor? I trust that no idea of our growing importance, or necessity of our enlargement will ever sink into the heart of any other American Senator to induce him to abandon that principle without which our country would become a byword and a hissing among the nations. The honor of our country is yet dearer to the true American than all the land that Mexico and Central America contain.

The Senator, after "swallowing Mexico," must take in all the other intermediate countries; and, as Great Britain owns many of the islands and dependencies to be devoured, he must include the British lion—a matter not quite so easy of digestion. What an intimation is it for us to make to the world that we may some day annex these weak little sister republics, thousands of miles away from us, with a population so different from ours, especially in laws, institutions, and usages! I would much rather other nations should know the fact that San Salvador, one of these very Central American states, once applied for admission into our Union, and that our Government not only declined to receive them but treated the application as one not worthy of a moment's serious regard.

I heard with pleasure and admiration that passage in the inaugural address of President Pierce which declared that his administration should leave no blot upon his country's record, and that no act within his constitutional control would be tolerated which could not challenge a ready justification before the tribunal of the civilized world. How great the difference between that and the sentiments of the Senator from Illinois! Let the President adhere to these principles and he will thereby disarm opposition; he will make of those who have heretofore been strong political opponents some of the warmest friends he has in the world. I put this declaration in contrast with all these gigantic ideas [laughter] of breaking treaties and going beyond the limits of the country in defiance of them. But if the President should, in opposition to all our hopes and belief, be induced to disregard the faith of treaties, he will hardly progress through half the period of his constitutional term before he will find the great heart of the American people, which is honest to the core, opposed to him, and the most sincere of his present friends will vindicate the justice of the sentence against him, while they sorrow for his fall.

The assumption of a protectorate over the Mosquito Indians was continued by Great Britain, who construed the Clayton-Bulwer treaty as permitting this form of territorial occupation. The United States refused to accept this construction. Finally, to settle the vexed questions, a new treaty, the Dallas-Clarendon, was negotiated in October, 1856, and was ratified soon afterwards by the Senate with the addition of certain amendments which Great Britain refused to accept.

In 1860 Great Britain concluded treaties with Honduras and Nicaragua which provided for the cession of the Bay Islands to the former, and the relinquishment of the British protectorate over the Mosquito Islands.

In 1881 the treaty became the subject of controversy between James G. Blaine, Secretary of State under President Garfield, and Lord Granville; Mr. Blaine contending that any isthmian canal should be under the political control of the United States, and declaring that this country would view with grave concern any interference by a European nation in this or any other American territorial affair. He asked that the treaty be made to conform to the conditions of the time, which had materially changed since 1850.

Frederick T. Frelinghuysen, who succeeded to Blaine's position soon after the accession of President Arthur, took a still stronger position, contending that the treaty was obsolete. Lord Granville asserted that the treaty, never having been abrogated, was still in force.

CHAPTER VIII

The Nicaragua Canal

[HAY-PAUNCEFOTE TREATY]

Panama and Nicaragua Canal Concessions: The French Panama Canal Company, the Nicaragua Canal Company—George F. Edmunds [Vt.] Introduces in the Senate a Joint Resolution Declaring the Monroe Doctrine Applicable Against Connection of any European Government with Isthmian Canal Projects—Debate: John Sherman [O.], Wilkinson Call [Fla.], John T. Morgan [Ala.], John H. Reagan [Tex.]; Resolution Is Passed; House Commits It—United States Commissions to Investigate Canal Routes—The First Hay-Pauncefote Treaty—William P. Hepburn [Ia.] Introduces in the House Bill to Complete Nicaragua Canal—Debate: in Favor, Mr. Hepburn, Champ Clark [Mo.], William L. Terry [Ark.], Jonathan P. Dolliver [Ia.], D. S. Alexander [N. Y.], John B. Corliss [Mich.], James R. Mann [Ill.], Oscar W. Underwood [Ala.], P. D. McCulloch [Ark.], John S. Williams [Miss.], Benjamin F. Marsh [Ill.]; Opposed, Theodore E. Burton [O.], Robert R. Hitt [Ill.], Joseph G. Cannon [Ill.]; Bill Is Passed; It Is Postponed by the Senate—The Second Hay-Pauncefote Treaty.

THE route of the Nicaragua canal was surveyed in 1850 for the Vanderbilt syndicate by Colonel Orville Childs. The Vanderbilt concession lapsed in 1856, owing to non-fulfillment of conditions. The unsettled condition of domestic affairs preceding and during the Civil War diverted attention from the canal project. It was taken up again in 1867, and a treaty was concluded in June between Nicaragua and the United States, by which the right of free transit over any canal to be constructed through the former country was assured to the citizens of the latter.

In March, 1872, President Grant, in compliance with a resolution of the Senate, appointed a commission of three military and naval engineers to investigate the route of an isthmian canal. After considering the

Panama and Tehuantepec routes also, the commission, on February 7, 1876, reported unanimously in favor of the Nicaragua route from Greytown on the Atlantic coast by way of the San Juan River and Lake Nicaragua to Brito on the Pacific coast.

In May, 1878, Lieutenant Lucien N. B. Wyse and others obtained a concession from the Government of Colombia, giving them the exclusive privilege of constructing and operating a ship canal across the State of Panama.

In May, 1879, an international congress of 135 delegates, mostly engineers, was held at Paris, under call of Ferdinand de Lesseps, the distinguished constructor of the Suez Canal, to consider the best route for the American isthmian canal. Eleven delegates were from the United States, and these ably presented the advantages of the Nicaragua route. Nevertheless the congress approved a sea-level canal between Colon and Panama. The "Compagnie Universelle du Canal Inter-océanique de Panamá" was organized under the laws of France, with de Lesseps as president. It purchased the Wyse concession for 10,000,000 francs ($2,000,000). De Lesseps estimated the cost of construction at $127,000,000, and the time at eight years, both considerably less than the estimates of the engineers' congress.

After the preliminary surveys the work of construction was begun in 1881. In a short time it was seen that the difficulties were greater than had been anticipated, and that the estimates were absurdly low, and the company turned its energies largely from construction to raising additional capital.

In 1884, during President Arthur's Administration, a treaty was concluded between the United States and Nicaragua by which our Government agreed to build a canal, to be owned jointly by the two countries, and to protect the integrity of Nicaragua. The treaty was still unratified when Grover Cleveland became President, and he withdrew it from the Senate on the ground that the construction and ownership of the canal under such conditions would be "inconsistent with its dedication to universal and neutral use," and would "entail

measures for its realization beyond the scope of our national polity or present means."

In April, 1887, a syndicate of New York capitalists, under the name of the Maritime Canal Company of Nicaragua, secured from Nicaragua a grant (known as the Menocal concession) for the exclusive construction and operation of the canal. A bill was brought before the House to incorporate the company. It passed on January 4, 1889, by a vote of 102 to 75, after a spirited debate in which the opponents of the bill characterized the project as a "stock-jobbing" affair, and charged its promoters with endeavoring, by national incorporation of the company, to make foreign capitalists believe that the United States Government was guaranteeing the enterprise. Indeed, the advocates of the bill secured its adoption only by agreeing to an amendment of William S. Holman (Indiana) in which the United States Government explicitly repudiated any responsibility for the company, and to a further amendment of James E. Cobb (Alabama) in which this fact was ordered to be printed on all the bonds, stocks, contracts, and other obligations of the company.

The Senate non-concurred with the House amendments, and a conference was appointed. Their report was adopted by both chambers, and President Cleveland approved the bill on February 20.

The Nicaragua Canal Company under this charter of incorporation by Congress, with a capital of $100,000,000, and authority to increase this amount to $200,000,000, proceeded to the work of construction, expending within a year $2,000,000. Subscriptions to the capital stock were not forthcoming as expected, and the work was discontinued, while the company sought aid of Congress to guarantee an issue of $100,000,000 four per cent. construction bonds. This Congress refused to do.

European Connection with the Isthmian Canal

Senate, December 19, 1889-January 8, 1890

On December 19 George F. Edmunds (Vermont) introduced in the Senate a joint resolution declaring:

That the Government of the United States will look with serious concern and disapproval upon any connection of any European Government with the construction or control of any ship-canal across the Isthmus of Darien or across Central America, and must regard any such connection or control as injurious to the just rights and interests of the United States and as a menace to their welfare.

That the President be, and he is hereby, requested to communicate this expression of the views of Congress to the governments of the countries of Europe.

The resolution was referred to the Committee on Foreign Relations, which reported it back on January 4, 1889. It came forward for discussion on January 5.

John Sherman (Ohio) explained the occasion for the resolution.

Undoubtedly the Panama canal scheme is laboring under very great embarrassments. It has recently, in a measure, failed or suspended, and the authorities of France have provided for its suspension. A great many French people as well as Americans and Englishmen and people of other countries are interested in the building of the Panama canal under a local charter. The Government of France has hitherto always disclaimed any connection with the enterprise as a government, but it has been conducted by the private management of De Lesseps and others under a Central American company. However, recently, on account of the failure of De Lesseps and the necessity of large sums of money being raised, it has been proposed by a friendly power, the Government of France, that it should itself assume the construction of this canal, or undertake some control or ownership or jurisdiction over it, or exercise some power which is inconsistent with the established doctrine of the American Government.

We thought that under those circumstances it was but an act of friendly caution to express the opinion so often expressed in this country that the Government of the United States would not look with satisfaction upon the exercise of any such power.

Wilkinson Call (Florida) opposed adopting the resolution.

If there is any reason which can be vindicated upon argument and proper consideration for prohibiting any great work

of beneficence to mankind I can not see how it can be brought to bear upon this question.

The construction of a canal across the Isthmus of Panama is a work that will promote the welfare of every human being in the world. That this Government should interpose obstacles upon the plea that it may promote the extension of monarchical institutions or the systems of government that prevail in Europe does not address itself to my mind with any kind of reasonableness.

The Monroe Doctrine was predicated entirely upon the assumption that the system of European governments might be promoted by their colonization upon this hemisphere. This country is now strong enough to defy without fear of results any efforts of that kind; and it can control the matter in its diplomatic relations without preventing or obstructing the construction of this great work necessary to the commerce of the world, necessary to the cheapening of the articles of necessity, of human consumption, to every human being in this country and in every other country.

Why should not the Panama canal be built? Does it interfere with the power of this country? Does it in any way interfere with any of its public policies? Does it increase the power of the French or any other government to restrict the extension of republican institutions or the colonization of this country by people of republican sympathy and friendly to our form of government? Its influence in that respect amounts to nothing.

In my judgment for us to interpose any obstacle, to say that any European nation shall not contribute as a government to the construction of a great public work, is going back to the barbarous ages.

Sir, for one I am free to say that I shall regard with pleasure any effort on the part of the French Government or any other associated power to build this great work, which can only promote the welfare of every family and every human being, and increase the number of their comforts, and cheapen the productions which are necessary for them.

Mr. President, I hope that we shall not be bound by the prejudices and fears which originated years ago when this country was weak now when we can defy the world, that we should be restricted within narrow limits by European colonization upon the Western Hemisphere. Sir, if France should establish a monarchical government in Panama or Central America, and this country should see fit to declare that it should not be done, it would disappear in a moment. But what connection has the

construction of this great work with the establishment of monarchical systems or institutions on this hemisphere?

It is not difficult to see that it has none whatever. The question of the construction of a waterway over the Isthmus of Panama for the commerce of the world and the question of monarchy or republic, of aristocratic or democratic institutions, have no connection with each other. It is even difficult to see how any one can even make a pretence to that effect.

John T. Morgan (Alabama) opposed the second section of the resolution as unwarranted dictation to the President, cutting him off from diplomatic negotiation with France in the matter.

I am heartily in accord with the first part of the resolution and have no hesitancy in expressing the opinion, as it is expressed here, that it is the duty of the United States to intervene to prevent any foreign government from getting any such hold upon this Western Hemisphere as will give it, in consequence of its committal to a certain line of enterprise, governmental authority that it does not now possess. I very well understand, I think, that, if the Government of France should, for the purpose of relieving the necessities and distress of Mr. De Lesseps and of his coadjutors in this work, come in as a government to aid them by any assumption it may make of the responsibilities he has already incurred and under which he has failed so far—can very well understand that the Government of France in such a proceeding would necessarily exercise its governmental functions in Panama. You would have to make room for the authoritative action of two governments there before France could carry this enterprise into execution.

The Government of Colombia, with its present power and authority, its sovereignty over that country, would be forced to yield, either by treaty engagements, concession, or in some other way, to the governmental authority that France might choose to exercise in promoting this enterprise in Panama which the French Chamber would decree that government should engage in. That would necessarily, it seems to me, sooner or later bring about a conflict of authority between the governments; and I can not fail to understand that the weak power of Colombia would succumb to the greater military power of France in such an event as I have stated, and that the ultimate result would be French domination in Panama, and perhaps an extension of that domination to other states in what is now the Republic of Colombia.

So I would resist in the beginning, I would resist always, the intrusion of a trans-Atlantic government into Panama for any purpose of a governmental character connected with the construction or, if you please, the operation of a canal.

JOHN H. REAGAN [Tex.].—Mr. President, the memories of a hundred years ago ought to inspire us with some respect for the French people. The knowledge that it is the only prominent republic in Europe ought to give us some sympathy with that republic. We ought not to be willing to offer an unnecessary offence to a government which has, under the greatest trials, proven itself the greatest friend of this republic.

It seems to me, sir, that the very broad general language used here would be calculated to offend the sense of right not only of France but of any other government or people, unless it is restricted so as to simply limit the declaration to political control.

I do not know how many millions have been spent in the construction of the Panama canal, but its completion will work a larger revolution upon the commerce of the world than the completion of the Suez canal did. I do not know to what extent there has been diplomatic correspondence with reference to the action of this company on that canal, or whether there has been any; but whether there has been or not is not material to the view I take now, that it would be going too far for us to make a *pronunciamiento* against any connection of that or any other government with the construction of a ship-canal—I will omit the word "control"—with the construction of a ship-canal across the isthmus. No country is so much interested in the success of that work as the United States. Here we stand on the half-way ground between western Europe with all her vast wealth and commerce and the teeming millions of Asia. It places our country in the gateway of that great commerce; and shall we uselessly, shall we unnecessarily, shall we officiously attempt to interfere with and arrest the progress of that work?

I feel very sure that the introducer of this resolution and the committee who reported it would not lend themselves to a mere stock-jobbing proposition to discredit that work in order to increase the value of the stock of an enterprise engaged in by another concern. I cannot conceive that they would be influenced by such a consideration as that. I am disposed to guard the rights of this Government upon the continent of North America as declared in what we call the Monroe Doctrine, but the Monroe Doctrine never went to the extent that this resolution goes. It looked to the exertion of political control on the

American hemisphere, not to any mere effort to aid in an enterprise to develop the commerce of the world and promote the welfare of mankind.

SENATOR SHERMAN.—I am rather surprised that the Senator from Alabama should take the ground that we can not dictate the policy of the President so as to restrain him to some extent in the direction of his negotiations. We can not take from him the treaty-making power; no one proposes to do that; but Congress can define the policy of this Government upon any question within its power, clearly so; and it is rather surprising to me that the Senator from Alabama should seem to care so much for the power of the President, which is purely an executive power, sharing with us, it is true, the legislative power only to a certain extent. When Congress (which includes the President) declares a public policy, the President is bound to conform in his negotiations to that policy; otherwise he would violate the will of the people as expressed in Congress. There is not anything, therefore, in the point made by the Senator from Alabama as to the form of the resolution.

I am absolutely indifferent about it as a member of the committee, but as the committee reported it as a joint resolution I hope it will so stand, because it combines the strongest form of expression in which we can declare this public policy, that is, by a joint resolution of Congress instead of a mere concurrent resolution or a resolution of the Senate alone.

As to the matter to be declared, I am happy to say that the Senator from Alabama agrees with me entirely. I find that he introduced a resolution in 1881 which was finally reported unanimously from the Committee on Foreign Relations, of which he was then a member. I will read the first part of the report embodying the resolution:

> That the subject embraced in the resolution is one of great national importance, and worthy of the most careful consideration.

This report was made by Mr. Burnside from the Committee on Foreign Relations May 16, 1881. I will say that was the time when De Lesseps was beginning his work on the Panama canal. It was the subject of discussion, and a correspondence had occurred between the then Secretary of State, now present, a member of the Senate [Mr. Evarts], and the Government of France, in which France disclaimed any purpose to exercise any power or control over the canal, and the matter proceeded upon that disclaimer. Then this resolution was introduced by the Senator from Alabama:

Resolved, That the interests of the people of the United States of America and the welfare and security of their Government are so involved in the subject of the construction of ship-canals and other ways for the transportation of sea-going vessels across the isthmus connecting North and South America that the Government of the United States, with the frankness which is due to all other peoples and governments, hereby asserts that it will insist that its consent is a necessary condition precedent to the execution of any such project, and also as to the rules and regulations under which other nations shall participate in the use of such canals or other ways, either in peace or in war.

It must be perceived that the resolution of the Senator from Alabama was much stronger, much more comprehensive, than the language of the resolution now before us.

I do not think that the passage of this resolution would have a bad influence. I think it would have a friendly influence. The Government of France evidently hesitates about action, and, if we only open the door a little wider they will step in, in sympathy with their citizens, who have invested their money here, and then you will have one of the great European powers planting its flag and its money and its commerce on that narrow isthmus between the Pacific and the Atlantic Oceans. That is against the policy declared by Mr. Monroe, reaffirmed by General Jackson, and in more or less distinct form by every President of the United States from that time to this, especially by Mr. Buchanan, who maintained it, and also by the Administration of President Hayes and by the declaration of General Garfield in his inaugural address. For one, I am ready, in any form in which it may be presented, whether in the form of a resolution of the Senate or of a concurrent resolution or a joint resolution, to declare that the public policy of our fathers shall be the policy of the future.

Senator Call.—Have not the people of Central America the right to accept aid from a foreign government in the construction of this canal? Have they not the right to negotiate for a connection with France, as they have done, by the exercise of their sovereign power as a people? Who denies it? But this resolution says that it is a menace to the people of the United States that the people of Central America should, in their sovereign legislative national capacity, accept any connection of a foreign government in the construction of a canal across the Isthmus of Darien. That is the unquestionable language of the declaration, and what does that mean but a sovereign declaration of this people by the two Houses of Congress, unless it is a false declaration, that we will make war upon the people of any portion of this hemisphere, upon the people of Central

America especially, who shall exercise their powers in such a way as to bring about a connection of that kind with a European government? And that is the declaration that we are told is the Monroe Doctrine. I deny it.

The doctrine of our fathers never asserted a proposition of this kind. They never asserted our absolute right of domination over the people of this hemisphere, over the people of Central America, and we know that this is a false declaration and is not intended and ought not to be intended, to be observed. We know that a European government has forcibly established its domination, since the Monroe Doctrine was proclaimed, over a part of Central America, and maintains it in full and absolute and undisturbed sovereign power to-day without war on the people of the United States, without our support of that declaration, if it was intended so to apply, and it has existed for years and years in British Honduras.

But, Mr. President, it is said if the Government of France expends its money in the construction of this canal it will have a right to defend the rights which it has so acquired. Well, that may lead to war. Has not the Government of France or the Government of England the right to defend the rights of their citizens in all these countries of Central and South America when they have invested their money there, as they have done under the treaty regulations with those countries, and would not that lead to war? There is nothing in it; whether it is the money of the people or the money of the government is the same thing, and South America and Central America and Mexico are full of the money of British subjects and French citizens and German subjects to-day, and there is none of the money of the people of the United States there. These European capitalists are doing the work of civilization under treaty regulations and under the exercise of the sovereign power of the people of those several governments to-day; and the assertion that we propose forcibly and by war to forbid it is equally unwise, equally untrue, and unjustifiable in every view of public policy.

The Monroe Doctrine has nothing to do with the question of the construction of a ship-canal across the Isthmus of Darien or Central America. The interest and dignity of the Government of the United States have nothing to do with it except that they should promote it, should expend their money for it, should encourage it. There may be some question of wise public policy in saying that it shall be controlled by an international commission, by regulations established by the nations of the world, and the resolution of the Senator from Alabama wisely so declared.

But that is a different thing from this resolution and this enunciation.

This is the age of intellectual success. It is the age of benevolence and beneficence. For this country to undertake to say that we will deny the right of the people of Central America to accept of any aid, of any connection with any European government in the construction of the great works necessary for their industrial development and for the industrial development of all the peoples of the world is, I think, going back to the dark ages, and unworthy of that Government and that people which should be foremost in all that advances civilization, the arts of peace, the triumphs of mind over matter, and the subjugation of the earth and the seas and all the elements to the use and comfort and happiness of all nations and peoples of the earth.

The joint resolution was passed on January 8 by a vote of 49 to 3.

The House referred it to the Committee on Foreign Affairs. It was not acted upon during the session.

In 1895 Congress provided for three engineers, known from the chief, Colonel William Ludlow, U. S. A., as the Ludlow Commission, to investigate the feasibility and cost of completing the work done by the Nicaragua Canal Company. They reported in favor of completing the canal, and estimated the cost at $133,472,893—about twice the estimate of the company.

Congress then provided for a new commission, known as the Walker Commission from its chief, Rear-Admiral John G. Walker, to continue the investigation. After thorough surveys, in May, 1899, it confirmed the Ludlow report.

In the meantime, however, an international commission of experts had reported favorably upon completing the Panama canal, and so Congress added to the number of the Walker Commission and ordered it to report on the best route in Central America.

President McKinley's statement in his annual message in December, 1898, that the construction of an isthmian canal was a national necessity, met with such a favorable response from Congress and the country that

John Hay, Secretary of State, entered into diplomatic correspondence with the British Foreign Office with a view to making a new treaty on the subject to remove any objection which might arise out of the Clayton-Bulwer treaty.

The treaty was signed at Washington, D. C., on February 5, 1900, by Mr. Hay and Lord Pauncefote, the British Ambassador.

The important articles of the treaty were as follows:

The First Hay-Pauncefote Treaty

"Article I. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares; and that, subject to the provisions of the present convention, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

"Art. II. The high contracting parties desiring to preserve and maintain the 'general principle' of neutralization established in Article VIII of the Clayton-Bulwer convention adopt, as the basis of such neutralization, the following rules, substantially as embodied in the convention between Great Britain and certain other powers, signed at Constantinople October 29, 1888, for the free navigation of the Suez Maritime Canal; that is to say:

"1. The canal shall be free and open, in time of war as in time of peace, to vessels of commerce and of war of all nations, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary, and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service. Prizes shall be

in all respects subject to the same rules as vessels of war of the belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than twenty-four hours at any one time except in case of distress, and in such case shall depart as soon as possible, but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this convention, and, in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

"7. No fortifications shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

The President submitted the treaty at once to the Senate.

This was the canal situation when, on February 17, 1900, William P. Hepburn (Iowa) of the Committee on Interstate and Foreign Commerce reported to the House a bill "to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans." It authorized the appropriation of $140,000,000 to complete the Nicaragua canal.

On May 1 Mr. Hepburn supported the bill.

The Isthmian Canal

House of Representatives, May 1-2, 1900

He said that the objections to the Nicaragua canal from an engineering point of view had been thoroughly

answered by the various investigating committees, particularly that under Admiral Walker.

They became satisfied that the route was entirely practicable. Now, we have the third commission—one not ready to report, and for which report we are told we must wait. But, Mr. Chairman, these difficulties thrown in the way of this enterprise by members of this House who have doubts in regard to the engineering features—and doubts are all they have upon these matters of engineering—these gentlemen are not the only opponents. We are met by another class of gentlemen who say that, while this route is practicable, while the canal is needed, while it should be an object of solicitude and fostering care and speedy completion by the Government, yet there are certain difficulties of a diplomatic nature that absolutely prevent us from doing anything.

They say truthfully that, in 1850, a treaty was negotiated between Great Britain and our country, popularly known as the Clayton-Bulwer treaty, and that one of its provisions declares that neither party alone, except in conjunction with the other, will secure this water route, or will attempt in any way to defend it without the consent of the other, and they say these provisions are a barrier, and until that is removed the Government of the United States can not, in good faith, undertake this work.

I would not be an authority upon a grave question like this, but I want to call your attention to names of a long list of statesmen who have declared that that instrument—the Clayton-Bulwer treaty—is not now of operative force against us; that it either had been violated by Great Britain in such degree as to justify us in no longer recognizing its potency or that it had become obsolete because of the object stated by that treaty having been abandoned by both parties, or that both parties had themselves abandoned it by making no effort to carry out its provisions.

In that list of statesmen that have taken one or the other of those positions all insist that at most or at the worst we had the right to declare it void and no longer binding. I name Secretary Marcy and President Pierce, Secretary Cass, and every President from Pierce down to the present incumbent, except Lincoln and Johnson. Douglas, Marcy, Frelinghuysen, Blaine, and others, all of them have united in saying that we stood today in the position, from the acts of other parties, that entitles us to declare we would no longer be bound by its provisions.

But there is another route upon which there have been vast expenditures and which I have been told strikes the minds of some of our people as more favorable to the interests of the United States than the route I have been describing. That is the Panama route. I want to say, Mr. Chairman, that, in my judgment, that route can never be made feasible for our purposes.

We are told that $256,000,000 already has been spent or squandered in the construction of that route; and we are told that but two-fifths of it is completed, and that two-fifths is two-fifths of the linear extent, not two-fifths of the work, but of that in the alluvial lands on the sea level. The great work of cutting through the divide, that stupendous work involving a cut of two or three hundred feet in depth and 8 miles in extent, that other wonderful feat in the engineering world, the control of the Chagres River, a torrential stream draining hundreds of square miles of mountain surface, that rises sometimes 70 feet in twenty-four hours, and that other engineering feat of supplying the summit level of the Panama canal, these have never been touched. This Herculean task, involving millions that are to be expended in subduing nature and overcoming its forces, has not yet passed the stage of engineering speculation and debate.

But aside from that there is no assurance that we could ever control that canal. I challenge any of the friends of the enterprise to show how we could do it. Two hundred and fifty-six million dollars of its stock is scattered all over the face of France. It was a favorite investment twenty years ago. The poor were induced to yield up their hoardings and take stock certificates in exchange. They hold them to-day. They are the dream of future competency. This stock which they will hold on to is represented in the new company to-day in such a manner that they can not dispose of it.

Now, Mr. Chairman, if I am correct I do not see how it is possible that the Panama canal can ever subserve our purposes. I want, and I think the American people want, an American canal to be built and controlled by our own people absolutely and exclusively. [Prolonged applause.] We want a canal that will discriminate, if discrimination is to be made, in favor of our own people. [Renewed applause.] In other words, we want to control the enterprise ourselves absolutely and entirely. [Applause.]

Mr. Chairman, for years past we have been spending $200,000,000 annually in payment to the owners of foreign ships to

carry on the commerce of the United States to foreign ports. A gentleman yesterday on this floor spoke of the loss of three billions of money in a single decade that occurred to us in our commercial transactions by reason of this condition. In that estimate let me say that he lost sight entirely of the colossal sum of $2,000,000,000 that we have expended, or, in other words, placed in the pockets of foreign shipowners, for carrying that traffic which ought to be carried in American ships. Hundreds of gentlemen have expressed themselves in my hearing as utterly opposed to the doctrine of American subsidies for ships. And yet the whole country, without opposition, will unite with me, I know, in saying that this great canal as a means of stimulating shipbuilding in the shipyards in the United States is going to be, and must necessarily be, the most important item of legislation that this country has undertaken to enact in the last thirty years. [Applause.]

CHAMP CLARK [Mo.].—Your bill contemplates that we shall protect this canal. That is my understanding. My own version is that we have the right to fortify; to do as we please with it; that it is ours. Now, the Hay-Pauncefote treaty comes along and says that Great Britain shall have the same rights in that canal as we have. So where would that provision in your bill go to?

MR. HEPBURN.—I am afraid it would be unfortunate for the provision of my bill.

MR. CLARK.—So am I.

MR. HEPBURN.—But I understand this, that if this House of Representatives, by an almost unanimous vote, declares that it ought to be the policy of the American people to own that canal, untrammeled by entangling alliances with any nation or nations, there is no official in the United States that will dare to say nay to that. [Loud applause.]

MR. CLARK.—I am not certain about that.

JOHN S. WILLIAMS [Miss.].—In other words, we can repeal the treaty beforehand.

MR. HEPBURN.—No one will want to say nay to that.

MR. CLARK.—Well, now, does not the very fact that they persist in urging that treaty in the Senate demonstrate that there is an official somewhere that does not care what the House of Representatives does?

MR. HEPBURN.—I do not know that there is a party anywhere persisting in that. I remember that some weeks ago the matter came up, that, in another body, a provision, I suppose like that which the gentleman is talking about, came up for action and

that the expression was of that character—so unanimous and vigorous against affirmative action that the gentleman who had it in charge was glad to withdraw it.

MR. CLARK.—Well, if they do not intend to press that treaty, why do they not withdraw it from the attention of the Senate and be through with it?

MR. HEPBURN.—You know that nobody can answer that. What particular reason there may be for withdrawing it or withholding the withdrawal nobody knows except those that have charge of the subject.

MR. WILLIAMS.—Does not the gentleman think the passage of this bill would go a very long way in persuading gentlemen in some other body to withdraw that treaty?

MR. HEPBURN.—I should certainly hope that that would be so. But, gentlemen, are we going to stop now because of the fear that something may lie in the future? That is what we have been doing for fifty years.

MR. CLARK.—I will make one suggestion, if you will permit, If you will put back that word "fortify" into this bill and pass it here almost unanimously, and then if the conferees of this House will stand up to it, we do not care about the treaty. The word "protect" is hazy, and the word "fortify" is a definite word.

MR. HEPBURN.—Why, it seems to me that the word "protect" has the broader meaning. It means authorizing to defend.

MR. CLARK.—It might not.

WILLIAM L. TERRY [Ark.].—I want to call the attention of the gentlemen to this fact, that the Clayton-Bulwer treaty specially prohibited any fortification; but, after striking out the word "defend" and the word "fortifications," you then use the very word used in that treaty, and you are proposing to use that word now.

MR. HEPBURN.—Yes, the treaty did; and yet you will remember that within ten years of that time Great Britain, in violation of that treaty, made a treaty with Nicaragua in which she reserved and secured the power, at her pleasure, to move her forces into Nicaraguan territory for the purpose of protecting and defending the canal.

JONATHAN P. DOLLIVER [Ia.].—Do I understand the gentleman to claim that the Clayton-Bulwer treaty might be abrogated by an act of Congress proceeding with the work, or does it require diplomatic negotiations?

MR. HEPBURN.—I suppose the orderly way would be to abrogate it through the State Department; but I have no doubt

about our ability and our right by legislative enactment to abrogate it, or by doing publicly and above board that which would be diametrically inconsistent with its provisions. I want to call attention to the fact that the condition of the commerce of the whole world, especially of this country, with reference to the Western coast, has so changed since that time that it would be inequitable and unjust to hold us to a treaty fifty years old, if there was no other reason than simply the fact that necessity demands its abrogation.

D. S. Alexander (New York) advocated that the Nicaragua route be definitely selected, and without delay. Speaking for the merchants and capitalists of his great commercial State, he said:

Mr. Chairman, in matters of trade and commerce delay for a nation is as disastrous as delay for an individual. If America is to be one of the great forces in the Pacific, it must construct the Nicaragua Canal exclusively and with American money. What we own we have a right to control. Great Britain controls Suez. Let the United States own Nicaragua and control it.

Theodore E. Burton (Ohio) pleaded for delay until the investigating commission of engineers should report upon the relative advantages of the two routes, Panama and Nicaragua.

Suppose private parties were committed to the construction of an interoceanic waterway, is it within the bounds of belief that they would first select one of two routes and go to the owners of the right of way and say to them: "Now, we are in your hands; impose upon us whatever terms you please?" The builder of a house or great building does not first locate his structure and afterwards secure the land upon which to place it. He first makes sure of his title to the land, obtaining the most favorable terms he can. I fully appreciate the impatience because of the delay in the beginning of this work, but we should proceed in a businesslike manner, taking first the necessary preliminary steps.

Mr. Burton then discussed the question of the neutrality of the canal.

Shall it be a neutral canal? To this question I say, decidedly, yes.

There never was a better time than now to repress the rampant spirit of jingoism in this country by declaring for an absolutely neutral canal. It is a time for scrupulous regard for the observance of treaty relations. This country has become too large, its trade relations are too wide, and its future growth and prosperity depend too much upon friendly relations with other countries to allow any selfish or narrow policy. The growth of our commerce, particularly of our exports, in recent years has been a marvel to the commercial world. Our future largely depends upon the continuing increase of this commerce. Nothing will stimulate its increase more than the respect and friendliness of other nations.

Just recently the Administration has gained a notable triumph in obtaining assurances from other powers of an open door in China;[1] yet in that country several European powers have squadrons and armies, fortresses, and spheres of influence established for many years. Is it consistent for us to ask this privilege there and yet say to the world that we will close an isthmian canal to other powers and seek to enjoy exclusive interests in it? We all must confess to a certain sentiment in favor of preferential advantages in peace and in war; but the advantages of action in comity with other powers outweigh any sentimental considerations. Practical advantages for such a policy of exclusion do not exist.

MR. HEPBURN.—Did not this Government specifically refuse to participate in that series of treaties that secured the neutralization of the Suez canal, being the only nation that specifically did refuse to do that?

MR. BURTON.—The refusal was not at all because we were opposed to the principle of neutralization. It was because it involved an implication of participation in the affairs of the Eastern Hemisphere in which we did not wish to engage.

MR. HEPBURN.—And, further, that it would imply that European nations would have a right to insist upon the neutralization of our canal.

MR. BURTON.—The gentleman can search the diplomatic correspondence, I think, and find not the faintest leaning in that direction; that that was any part of the reason.

First, in regard to fortifications, it seems to me there is an

[1] On September 6, 1899, John Hay, Secretary of State, asked for these, and within the ensuing year received affirmative responses from Great Britain, Germany, Italy, Russia, and Japan.

element of absurdity about this. To maintain and fortify the canal would cause an expense which, in the original construction, would vastly increase the amount required. In its maintenance thereafter, if thoroughly provided for, it would require an army as large as the standing army of the United States.

On the Nicaraguan route there are 190 miles through a wild country, in which guerilla bands, by the loosening of overhanging rocks, or the explosion of a stick of dynamite in the wall of a lock or in a large dam, could destroy the use of the canal as a waterway for a year. In that unsettled country the danger of an obstruction or disorder is very considerable at best. We should diminish it by international arrangement rather than increase it. The whole theory of protection by fortifications will not bear examination. The danger would be from within and not at the two ends. To seek to protect it by frowning fortresses on either end would be like locating two stalwart policemen at the front and rear doors of a china shop and letting Texas steers loose on the inside.

In the use of the canal it is very doubtful whether we could rely upon it as a channel for our own war ships after a declaration of war, though a great advantage would belong to us in the proper location of the different ships of our navy before the war should begin. It is not at all probable that in a time of war any war ship of any country at war with us would attempt to use it. Does anyone believe for a minute that, with this canal under the control of American engineers, every lock and passageway controlled by Americans, the country settled, as it will be, by citizens of the United States, a war ship of a country engaged in a contest with us would turn its prow into the canal at either end and take the chances of getting through?

It would require more courage than has ever been displayed by any naval commander on land or sea. We may dismiss the idea of fortifications as a backward step in the world's progress, as a chimera in its practical results, as unnecessarily expensive, as unworthy of our position among nations.

On the subject of fortifications Admiral Dewey recently said:

> Fortifications? Why, of course not. As I understand it, the canal is to be and should be a neutralized commercial pathway between the two great oceans. To fortify it would simply result in making it a battleground in case of war. Fortifications would be enormously expensive and ought not to be erected. Our fleets will be a sufficient guaranty of the neutrality and safety of the canal in time of war as well as in peace.

If there is one policy toward which the uniform course of the United States may be said to point it is that of neutrality in

waterways, natural or artificial. Our country was among the most active in protesting against the sound dues imposed by the Government of Denmark, although ships had to pass within cannon shot of the shore. We insisted upon the continued neutralization of the Straits of Magellan. We secured by treaty stipulations the equal use of the St. Lawrence River through Canadian territory. We grant and receive equal privileges in canals near to the Canadian border.

The trumphs of our navy under Decatur, Bainbridge, and others against the Barbary pirates in the Mediterranean Sea inured not alone to our benefit, but to the safety of the commerce of the whole civilized world. In pursuance of this policy the general tenor of our diplomatic negotiations and legislation has been toward a neutral canal across the Isthmus. The Clayton-Bulwer treaty was sought by us rather than by Great Britain. It is to-day as valid and subsisting an engagement as any statute or treaty of the United States.

Three points are readily established from our history:

First. That our general policy has been in favor of a neutral canal across the Isthmus. This policy was absolutely without dissent for the first eighty-five years of our national existence.

Second. That the Clayton-Bulwer treaty was in pursuance of such policy.

Third. That the Clayton-Bulwer treaty is still in force.

As to the Hay-Pauncefote treaty, while I regard it as a triumph of diplomacy, removing obstructions which lay in the way, that is a matter which is now in a coördinate body, and I do not care to comment upon it. What should we do now? Congress should wait for this commission to finish its work; wait until it knows whether the dam shall be located in one place or another; wait until it shall know the approximate expense; wait until the route shall have been determined; wait until options on all the concessions required are obtained; wait until the State Department has concluded provisional treaties with those different nations, so that we may not be at the mercy of any nation that may desire to extort from us what it will. Our course should be for peace. The true American fosters no quarrels; he harbors no ill will; he resorts to war only as a last expedient, and will not, on light occasion, disturb the world's peace.

He is proud of his citizenship here and everywhere, but he recognizes that the growth of his country is part of a great world development without which his country could not have attained its present greatness. It is not because we are weak;

it is because we are strong that we can afford to make concessions. Though I stood alone, I would ask that this enterprise point toward neutrality and comity with other nations. I hope for results from the healing streams of commerce. Let the stains of bloodshed which have blackened the passing years of the nineteenth century disappear in the twentieth; and, in the coming era, just as in industry and growth of population, and in the many varied ways which belong to liberty and citizenship, we have taken the lead, so let us also take the lead in turning our faces to the dawn of a better day, in which peace shall prevail. [Applause.]

John B. Corliss (Michigan) supported the bill.

The expansion of our commerce, the life of our ever-expanding nation, must not be checked or circumscribed by the restriction of the ancient Clayton-Bulwer treaty.

This ancient agreement was abrogated by Great Britain over forty years ago, and was expressly repudiated by that matchless American statesman, Hon. James G. Blaine, while Secretary of State.

The unfortunate attempt of the present Secretary of State, Hon. John Hay, to resurrect this treaty, tie the hands of our military and naval power, and surrender the right of Congress to prescribe the conditions and uses of the canal is, in my judgment, an infringement of the constitutional rights of Congress to govern and control the property and possessions of the United States, and should be speedily repudiated or permitted to sleep the sleep of death in the sacred archives of the Senate.

The gentleman from Ohio desires us to wait with the hope of acquiring some interest or control of the Panama Canal. This project was created by private interests and fostered by the French people through the distribution and sale of about $250,000,000 of stock distributed throughout the French Republic in the hands of private owners, and it is stated by their representatives before the committee that their object in seeking aid from the United States was simply to secure the necessary money to complete the canal. They admit that it will cost upward of $100,000,000 to complete it, and the only possible way our Government could become interested therein would be to become a partner in this project, which has ruined, both morally and financially, every prominent man ever connected with it.

The American people demand that this canal shall be owned, controlled, and operated by the United States Government without any association with any other interest in the world, and, consequently, the Panama canal project is impossible.

Robert R. Hitt (Illinois) defended the Clayton-Bulwer treaty.

The public faith of a nation pledged in a treaty has its sanction and basis in that system of morals which underlies our civilization and our institutions. A nation that will not tell the truth and keep its word does not deserve to be free. The Clayton-Bulwer treaty is old—50 years old—and that has been mentioned many times as if it were a reproach, as if the obligation to keep faith and tell the truth was temporary.

The Clayton-Bulwer treaty was made at our solicitation; it was done in pursuance of a long-established and often-proclaimed policy. In it we provided for the free use of the canal by all nations, and also for the extension to Central America of our own historical policy, called the Monroe Doctrine.

Our statesmen soon after the treaty had been ratified made complaint to Great Britain that she had not complied with its requirements. Those complaints were pressed with great force again and again, and in that correspondence it is demonstrated, I think, that Great Britain had failed to carry out the requirements of the treaty. Nevertheless we refused to abrogate it and held Great Britain to it.

The treaty provides that neither nation, the United States nor Great Britain, shall erect or maintain any fortification commanding the canal, or occupy or fortify or colonize or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America.

We claimed that she had disregarded that provision by holding these places I have mentioned. After long urgent discussion on our side, she at last yielded, as Mr. Buchanan, President of the United States, communicated to this House in a message.

Mr. Hepburn.—Does the gentleman think he is making a fair statement when he quotes President Buchanan?

Mr. Hitt.—Will the gentleman wait until I am done? I understand what you want to bring up of subsequent correspondence; I am familiar with its history.

I listened to the gentleman without interrupting when he uttered things so cynical concerning public faith that it defied the moral sense of mankind. [Laughter.]

During that controversy the British proposed to us to modify the treaty and we refused. They offered to arbitrate, and Secretary Cass refused it. They proposed to abrogate it and we refused. We refused to amend, we refused to arbitrate, we refused to abrogate, and we pressed so closely that the relations

between the two countries became threatening. Thereupon Great Britain yielded and carried out, as President Buchanan says, their agreement to make treaties with the Central American states, fixing boundaries and titles and clearing the way for the canal.

Mr. Hitt then recounted diplomatic incidents showing that Secretaries of State Seward, Fish, Evarts, Blaine, Bayard, and Olney all had acted upon the theory that the treaty was in force.

The Hay-Pauncefote treaty of last February in its first words recognizes the Clayton-Bulwer treaty as in force. This bill directly disregards and defies it. It has been avowed here by the advocates of this bill that it is so intended. As the last gentleman on the floor said: "We will not recognize a treaty that stands in the way of something the people want."

Mr. Chairman, treaties are not at an end because they become onerous or burdensome to one of the parties. That is a reason for asking to change the terms, but not for violating national faith. If a treaty, owing to a change of circumstances, threatens the existence of a state which is a party to it; if the continuance of the treaty will overthrow its institutions and destroy it, then that prime law of necessity, to which Abraham Lincoln appealed in the war of the rebellion, which overrides the Constitution, can be appealed to. It is above all treaties and laws and constitutions; it is based on the necessity of actual existence. But not for light cause can a nation set aside a treaty, except through the wantonness of brutal power, the cynical disregard of moral law, the open perjury of a people. For can the solemnly pledged faith of a whole nation be lighter than any obligation an individual may take?

I would like to see this bill made efficient and this great work go on, but I can not give a vote to enact a bill which openly defies the plighted faith of my country, and such a measure is unnecessary. It is "periling our salvation gratis." The country that we propose to slap in the face in this manner is not so hostile as some gentlemen pretend. Why, sir, it is one of the reproaches—this is a presidential year, and therefore all invectives are in order—it is one of the reproaches urged against the present Administration, which is held responsible for everything everywhere, that this very country, Great Britain, is friendly and well disposed toward the United States.

If the amendments or new treaty provisions agreed upon between the representatives of the United States and those of

Great Britain, changing this treaty, are not satisfactory to us, we have a constitutional way of reaching our purpose—amend the treaty in the Senate, or reject it there, and begin again. We are not in such bittter mood with Great Britain or so near war that we have to proceed at once to insolent defiance. Take the case of Russia humiliated in the Crimean war.

By the terms of the treaty of peace to which she had to submit when worsted by the allies, the Black Sea was closed to the Russian fleet, and the Bosporus was closed to any fleet. After the Emperor of France fell at Sedan, on the 4th of September, 1870, Russia, seizing the occasion, sent a circular in October, 1870, to all the powers, saying that she desired the abrogation of that treaty; that the necessities of her growth as a country required that she should have fleets on the Black Sea side of the empire. No one in that country, which we consider barbarous, thought of such a proceeding as is proposed in the House of Representatives to-day—to utterly defy and violate a treaty which is in full force, which we have ourselves invoked five times and enforced upon Great Britain, which Great Britain has never denied or questioned, and which is to-day as vital and as binding upon the conscience of every American as is the last treaty with Spain. [Applause.]

Joseph G. Cannon (Illinois) spoke against the bill.

Eight hundred people under pay—150 civil engineers—have been at work for months under the law to get you all the information as to which is the best route; and here is full power, with an appropriation which is available, to make an agreement with the Panama Canal Company to make an agreement with Colombia for the other route, and to modify the Panama Canal franchise, and to make an agreement with Nicaragua and Costa Rica, and you play them one against the other. You have a threefold competition and can choose the best offer. Oh, do you not know that we are awfully afraid of trusts? Why, the Lord knows that no arrangement could be adopted that would beget a greater trust than this bill, so far as affecting the price of the site from Nicaragua and Costa Rica to the United States on which to construct this canal.

Now, men openly charge that people who are not friendly to the construction of an isthmian canal are promoting this bill. I do not know whether that is true or not. But it is true that honesty, if it is zealous without wisdom and without caution, is sometimes as bad as dishonesty mingled with wisdom. [Laugh-

ter.] I do say, and believe here and now, that, if this bill is enacted into law at this session of Congress, it will absolutely put weights upon us and hinder by years the construction of an isthmian canal, and will cost this Government at least $50,000,000 more than it would if we waited until this report comes in, and if we get the agreement from the three parties as to the terms upon which they will part with their property, and play one against the other.

James R. Mann (Illinois) supported the bill. He particularly opposed the Hay-Pauncefote treaty.

Mr. Chairman, I think we ought to deal in perfect good faith with Great Britain. In whatever we do we should act in a manly way. The Clayton-Bulwer treaty was an absolute betrayal or misunderstanding of the best interests of our country. It yielded up the strongest protection for defence which any nation was ever granted by nature. But it is still legally in force. We have had our attention more particularly called to that treaty recently by the new treaty which has been negotiated. In the effort to escape the Clayton-Bulwer treaty the present Secretary of State has negotiated a new treaty, now pending in the Senate for disposition and known as the Hay-Pauncefote treaty.

The Hay-Pauncefote treaty does not remove any of the objectionable features of the Clayton-Bulwer treaty. No right which was yielded up by the former treaty is recovered by the new treaty. Under the Clayton-Bulwer treaty it was the expectation and intention that the company which was then in existence and which had acquired a concession from Nicaragua, would proceed with the construction of the canal with funds to be raised largely in England. One of the reasons given for entering into that treaty at the time was that in an enterprise of such great vastness it was necessary to have the financial support of England as well as of the United States in order to complete it, and, when the Clayton-Bulwer treaty provided that neither the one Government nor the other would ever obtain or maintain for itself any exclusive control over the said ship canal, it was intended merely to provide that neither Government should so obtain control over a canal as to fortify it or as to give preferential rates to the shipping interests of its own country over those of the other country.

Such provision was not put in that treaty for the purpose of preventing either Government from expending its own funds

in the mere construction of the canal. Either country would have been glad to have had the other country furnish the money with which to build the canal, provided it could be assured that the operation of the canal should be on even terms to the maritime interests of both countries.

There is not a single provision of any kind in the Hay-Pauncefote treaty in the interest of the United States in any way, shape, or manner. Not a single preference can be given to the vessels of the United States, either in time of peace or war.

The proposition of the Hay-Pauncefote treaty simply is this:

It is desirable to have a canal built, but private capital is no longer willing to enter upon such an adventuresome undertaking. No European government is willing to advance funds out of its own treasury for that purpose; but by the grace of its overflowing treasury and the consent of Great Britain, the United States may run all the risks of the adventure without any possible hope of special reward. In the benign goodness of her heart England will grant us the authority to expend from one to two hundred millions or more in an enterprise, not for our own special benefit, but for the benefit of humanity, civilization, and English shipping. We are kindly given the consent of Europe to break down the barrier of defence which protects our Pacific coast and our interests in the Pacific Ocean, and to bring our possessions there 10,000 miles nearer to the guns of the navies of Europe.

Mr. Chairman, I do not wish to pass any adverse criticism upon the distinguished gentleman who presides over our Department of State. He has proven his ability and his farsightedness on many occasions. His triumph of diplomacy in the open-door policy of China earns him the gratitude of America present and America future. I can very well understand that, bewildered by the clear paper title which Great Britain had to the continuance of the Clayton-Bulwer treaty and the embarrassments which were constantly arising over the propositions made in Congress that the United States should aid or undertake the construction of the isthmian canal, Mr. Hay finally entered into this treaty, giving our country as much consent as could be granted if the Clayton-Bulwer treaty were to remain in force, in order that public sentiment might be tested throughout the nation.

I cannot believe that either the Secretary of State or the great man at the head of the nation has ever in heart advocated the ratification of this treaty, which would forever put an end

to the rightful claim of supremacy for the United States in the Americas. But public sentiment has been tested. Our people do not favor the treaty. They do not wish it ratified. Speaking only for myself, I feel at liberty to say that, if the Hay-Pauncefote treaty should, by ratification, become a binding law upon this country, I should oppose in every way possible every proposition to construct an isthmian canal under its provisions.

Mr. Chairman, I favor an American canal, owned, controlled, fortified, and defended by the United States. Nature has granted to our country certain natural advantages for our own defence, which we ought not to destroy or in any way relinquish. We possess two great ocean coast lines, separated and far removed from each other. At the present time our Atlantic and Gulf coasts are the most vulnerable points of attack by a foreign sea foe. We have, in the past, at enormous expense attempted, and are now at still greater expense endeavoring, so to protect the points of attack on these two coast lines by land fortifications as to render them comparatively safe from assault and capture by the naval forces of an enemy.

But we have not been willing to trust to the land defences constructed through these great expenditures. In addition, we have proceeded on the line of policy of building up a navy which shall be equal in defence to any navy of the world. This the united wisdom of the country, without regard to party lines, has considered it necessary to do in order to protect our present points of attack and to maintain our power on the seas, as the condition of our hemisphere now exists.

Nature has provided us with a barrier of defence for California, Oregon, Washington, and Alaska which all the wealth, power, and ingenuity of man could not have erected. The fortifications erected by us on land may succumb before the assaults of the enemy or of time and neglect. But the barrier of distance—impassable space—can never be overcome except by a change of conditions. We are now free from attack in that quarter, except from Great Britain, and she could not use her present fleets with advantage to attack us there. From the other powers we are not only free from attack, but we are also free from even menace in that quarter. Sir, out on the Pacific will be the future great development of civilization, of progress, of commerce, of art and culture, of humanity itself. No one can measure the probabilities, much less the possibilities, of that region.

Shall we now maintain its splendid isolation from foreign invasion or attack or shall we, in our hunger for present com-

merce, barter away our birthright of safety for a mess of pottage of trade? Shall we, in our eagerness for riches, kill the goose which would lay for us the golden eggs?

I am aware, Mr. Chairman, that there are eminent minds in our country who insist that a purely neutral canal can be

TWO THINGS HE HAS LEARNED

From "Cartoons of our War with Spain" by Ch. Nelan

as easily defended as, and will be much safer than, a fortified canal. The distinguished admiral of the navy, flushed with the ease and completeness of his victory at Manila, has recently stated that the proper way to defend the Nicaragua canal is by a naval fleet. It is natural for him to magnify the importance and power of his branch of the service. Every department and branch of the public service does the same. But Admiral Dewey would not have won his victory and his laurels if the bay of Manila had been provided with proper land fortifications. Spain chose to rely upon her fleet for defence there, and we all know the rest. It is said that to fortify the canal would simply result

in making it a battleground in time of war. Mr. Chairman, the experience of all history shows that, if this canal be built unfortified and unprotected, it will then become not only the battleground in case of war, but the constant bone of contention and desire both in war and peace. To impregnably fortify it at each end is to remove it from the field of battle.

Our recent war demonstrated the fact that the navy can not accomplish much against land fortifications. Sampson before San Juan, and Sampson and Schley combined before Santiago, should be sufficient proof that guns on land, properly protected, cannot be captured by guns on the sea.

And not only will land fortifications much better assure the protection of the canal, but that protection will be thus furnished at vastly less expense. Sufficient land fortifications can be erected at a small proportion of the cost of constructing and equipping a sufficient fleet.

The expense of care and maintenance will also be far less. If we propose to construct a canal as United States property, and then be prepared to guard and defend it with our navy only, we must contemplate the intention of providing a sufficient fleet at each end of the canal to withstand the assault, unprotected by guns on land, of any foreign fleet which may gather there. Such fleets could not be constructed, in the first instance, at a cost of less than $80,000,000, and could not be maintained at less than an annual cost of probably $5,000,000, in addition to the interest on the original cost. I protest, sir, against adding this heavy burden to the real and necessary cost of the Nicaragua canal.

Mr. Chairman, when the battleship *Oregon* was pursuing her historic trip from San Francisco to Santiago it seemed to be the common thought and expression of our country that if the isthmian canal had been in operation at that time the *Oregon* might have pursued her way through it unmolested to join our fleet hovering around Cuba or watching our own coast. Let us imagine, however, for the sake of a proper consideration of the subject, that an isthmian canal had been in operation at that time; that it was unfortified, absolutely neutral; that ships of war might pass into it, through it, out of it, unmolested and unattacked while so doing; and that because of the great marine interests of the other commercial nations of the world, which would thereby be so affected and injured, we would not have been willing to take possession of or close up the canal. What would have been the result?

If, under such circumstances, we had endeavored or at-

tempted to interfere in any way with the free use of the canal by the vessels flying neutral flags, we would have been immediately interfered with ourselves and would have thereby enlisted on the Spanish side of the combat other nations of Europe, which only needed a reasonable excuse to take some part in the fray.

In my opinion, the lesson to be learned from the Spanish War and the naval operations therein is that it would be dangerous and unsafe for us to construct, or permit to be constructed, any isthmian canal through which a foreign foe could in time of war send its battleships.

I am not willing, sir, to lend my voice or vote in favor of our Government constructing, or permitting to be constructed, any canal connecting the Atlantic and Pacific waters which shall be so neutralized as to permit a foreign foe at war with us to pass her battleships from ocean to ocean. I would as soon agree not to attack the war vessels of a foreign foe while passing up the Mississippi or the Hudson. It would be, in my opinion, absolute folly for us to permit a canal to be constructed upon such terms of neutrality. I think it would be criminal idiocy. It would be not only to invite foreign attack, but to expose ourselves to easy attack. The idea is abhorrent to my mind. Unless I am blinded, its future effects would be most disastrous if not fatal to us.

For us to permit the construction by others of such a neutral canal would be an act of monumental folly almost unequaled in the experience of the world. But for us to undertake the construction of an entirely neutral canal ourselves, with our own money, located in a distant country, with no means of defence or protection except a navy, and thereby double the exposure of our entire coast to attack from a foreign foe, would be an act of foolish folly beyond proper characterization.

Mr. Chairman, Great Britain possesses the mightiest navy in the world. All other navies seem like infants or dwarfs beside hers. But has anyone heard that Great Britain proposed to dismantle her fortifications at Gibraltar and hereafter rely upon her navy entirely for her control of the entrance to the Mediterranean? Has anybody heard that England proposed to make the St. Lawrence River and Welland Canal neutral to our battle ships in time of war with us?

I would now say to Great Britain: In view of the change of conditions and the increase to us of the value of the canal, we respectfully ask you to release us from the obligations of the Clayton-Bulwer treaty, assuring you that we desire this

release to be obtained by friendly methods, and upon terms which will insure to your commercial interests equal treatment with our own through the canal; but that, in any event, we do not intend to be forever bound by those provisions of the treaty which would prevent our building and operating the canal as a national enterprise, and from fortifying and protecting our own. This would be no act of moral turpitude on our part. Experience, justice, propriety, and civilization would all justify us.

The Hay-Pauncefote treaty is worse for us than the Clayton-Bulwer treaty. The latter at least contemplated that the people of both nations should join in furnishing funds for the enterprise. The former contemplates that our country shall foot all the bills without receiving a single particle of additional benefit thereby, and without even being permitted to secure protection to the money which we invest. The Hay-Pauncefote treaty ought to have no friends and supporters in this country. It flies in the face of the line of policy adopted by our country for years. It is an absolute surrender, in principle, of the Monroe Doctrine and "America for Americans." The passage of this bill will be the finishing strokes on its coffin.

Oscar W. Underwood (Alabama) supported the bill.

It is contended that, should we construct the Nicaragua canal under the present bill, it would be in violation of the Clayton-Bulwer treaty, and that no action should be taken until the Senate of the United States disposes of the Hay-Pauncefote treaty now pending in that body. I do not propose to discuss here the treaty rights in which we may be involved in constructing an isthmian canal, but I contend that it is a proposition on which the House of Representatives has no power to act.

Under the Constitution of the United States the power to make treaties with foreign countries is vested in the President and Senate of the United States. No matter what we write in this bill, except the mere appropriation of the money to construct the canal, all other limitations can be overthrown by a treaty made by the President and Senate of the United States.

Therefore, if we intend to construct the canal, if we believe that it will build up our commerce and develop our country and bring prosperity to our people, there is but one provision in the bill in which we are concerned, and that is the appropriation of the money for its construction, and there is no reason why we should delay making this appropriation on account of other

stipulations contained in this bill. If we are not willing to trust the President and the Senate to look after the American interests in making these treaties, we should not pass this bill; but, if we wish to pass a bill, we of necessity must leave the foreign questions involved in the construction of the canal to the President and Senate of the United States.

I believe that the time for action has come, and that those who are earnestly and truly in favor of the construction of the canal will vote for the passage of this bill.

P. D. McCulloch (Arkansas) moved to amend the bill by inserting the words "fortify and garrison."

John Sharp Williams (Mississippi) supported the amendment.

Mr. Chairman, if we can not insert the words contained in the amendment of the gentleman from Arkansas, I do not think that the omission of them would make quite as much difference as he seems to think. I feel certain of the fact that seventy-five or eighty million people are not going to spend one hundred and forty or one hundred and fifty million dollars for that great work and then tamely submit to its being taken away from them in case of war. I also feel certain of the fact that, whatever may be contained in any treaty now existing or hereafter to be entered into, a state of war would abrogate the treaty as between the belligerents, and that then the United States could and would, as against the other belligerent, assert its right of sovereignty, of control, of ownership of that canal, while, at the same time, allowing to neutral powers the passage of their vessels even during the time of war.

I feel not the slightest degree of hesitancy in trusting the American people to protect this canal, even under the language of this bill. I feel that even if the Hay-Pauncefote treaty were to be confirmed—and I am almost certain in my own mind that it never will be—the power given in that treaty to "police" the line of that canal could be taken advantage of for the purpose of garrisoning it in the first place, and in the second place leaving it unfortified perhaps in time of peace, but the moment the tocsin of war was sounded I am certain we would proceed with a garrison then and there to throw up earthworks and fortifications necessary to protect the interests of our people and their money invested in the canal.

Mr. Chairman, when I think of this long route by Cape Horn; when I think of the Southern cotton lying upon the banks

of the Mississippi on both sides; when I dwell upon the fact that the construction of this canal will virtually empty the Mississippi River into the Pacific Ocean, giving it a new mouth; when I think of the fact that the construction of this canal will realize the dream of Christopher Columbus and enable people to sail directly west from Europe to reach "far Cathay" and the "rich East where Prester John once ruled," it seems to me that all little matters in connection with the mere verbiage of the bill sink into absolute insignificance. [Applause.]

I shall vote for the amendment, and I hope it will not be defeated, because I think we ought to be plain about expressing beforehand what our undoubted intent is, and then if the amendment shall be defeated, I shall then vote for the bill, firmly believing that the mere fact of enabling the cotton goods of the South to reach Japan and China, Manchuria and Korea, with the obliteration of 10,000 miles of ocean transportation, will amount to something like a cent a pound of additional net receipts to every Southern planter upon every pound of cotton which he sells to those markets. I shall vote for the bill, because I believe it will carry Tennessee iron and coal entirely by waterway to a market where coal sells now for $14 a ton, coal that we can get out of the mines at a cost of a dollar and a quarter a ton. I hope, Mr. Chairman, that the amendment will prevail. [Applause.]

The amendment was rejected by a vote of 66 yeas to 114 nays.

Benjamin F. Marsh (Illinois) wished to annex Nicaragua and Costa Rica.

It is rather humiliating to an American citizen that our Government should engage in the construction of this wonderful enterprise, involving an expenditure of one hundred and forty or one hundred and fifty million dollars, as a tenant upon foreign soil. I would rather construct this canal as a landlord than as a tenant. [Applause.] In other words, I wish it were in the power of this Congress and this Administration to-day to annex to this country both Costa Rica and Nicaragua and make them a part of this glorious Union of ours.

And, Mr. Chairman, when those countries become a part of the United States, who will be afraid of them? Who is afraid of contamination of the blood of the people of Costa Rica and Nicaragua? There are 80,000,000 of people here and a few hundred thousand down there. The infusion of their blood

into our veins and of our blood into their veins will Americanize them in two generations. [Laughter and applause.]

Jonathan P. Dolliver (Iowa) supported the bill.

I shall vote for this bill in obedience of what I believe to be the unanimous judgment of the American people. Yet I would not vote for it if it were not for the possibility, and I may say the certainty, that the bill in the course of legislation will lose some of the features which are objectionable. I do not like that feature of it which first locates the canal and then begins a negotiation with the States of Central America that are interested in the property to be taken and condemned. That feature of it I think ought to be guarded, and, I believe, will be before the legislation is finished. I do not believe either that the United States ought to set itself in a brutal way to ignore existing treaties.

I have read a good many of the treaties which we have with foreign countries, and about the only one of them I am able to thoroughly understand from the language of it is the Clayton-Bulwer treaty of 1850. I have read the opinions of statesmen and diplomatists about that treaty, and my judgment fully concurs with the judgment spoken here yesterday by the chairman of the Committee on Foreign Affairs [Mr. Hitt], that that treaty is in force and that no policy ought finally to be put into the form of law in this country which is not accompanied by a negotiation for the modification of that treaty. [Applause.] I believe also that this canal ought not to express merely the military prowess of the American people. I cherish the hope and the conviction that the world's civilization has advanced beyond that. I would have this canal express the aspiration of our people for a larger commerce and for a permanent peace among the civilized nations of the world. I take no interest in and give no consent to that argument, which is based upon a narrow view of patriotic duty, which claims that we should own this canal and operate it mainly as an instrument of war. As such an instrument it is not worthy of this age nor this nation. It is worthy of us only as it expresses the national aspiration for peace and for enlarged commerce which will reflect the progress and spirit of our age and of our civilization. [Applause.]

The bill was passed by a vote of 151 to 104.

The Senate referred the bill to the special committee

on Interoceanic Canals, the chairman of which, John T. Morgan (Alabama), reported it without amendment on May 14. Its consideration was deferred until the next session.

PAPA—"What's the matter, Willie?"
WILLIE—"Come, quick; Johnny Hay's in trouble.

By F. Opper, in the Hearst papers

The Senate ratified the Hay-Pauncefote Treaty on December 20, 1900, but with three amendments, providing (1) that neutralization should not prevent the United States taking such measures as it might find necessary for its own defence and the maintenance of public order; (2) that the Clayton-Bulwer treaty be explicitly abrogated, and (3) that no guaranties be asked of non-constructing powers.

Great Britain refused to ratify the treaty as amended, and it expired by limitation on March 5, 1901. A new convention was signed by Secretary Hay and Ambassador Pauncefote on November 18, 1901. It met with little opposition in the Senate, and was ratified by that body on December 16. Great Britain ratified it on January 20, 1902, and it was proclaimed in force on February 22.

The Final Hay-Pauncefote Treaty

Article I declared the present treaty superseded the Clayton-Bulwer Treaty.

Article II was Article I of the former Hay-Pauncefote Treaty [see page 358] unchanged.

Article III declared that the *United States* (not "the high contracting parties") adopted the rules of neutralization of the Suez Canal (repeated from the former treaty), with the following changes:

> Sec. 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.
>
> Sec. 2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

Sections 3 to 6 of the former treaty remained unchanged. Section 7, prohibiting fortification of the Canal, was omitted.

Article IV was added:

> It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

CHAPTER IX

The Battle of the Canal Routes

William P. Hepburn [Ia.] Introduces Bill in House to Construct Isthmian Canal—Debate: Mr. Hepburn, John F. Shafroth [Col.], Charles N. Fowler [N. J.], Allan L. McDermott [N. J.], Page Morris [Minn.], Robert Adams, Jr. [Pa.]; Bill Is Passed—Debate in Senate on Panama or Nicaragua Route: in Favor of Panama, Marcus A. Hanna [O.], John C. Spooner [Wis.], Charles W. Fairbanks [Ind.]; in Favor of Nicaragua, John T. Morgan [Ala.], John H. Mitchell [Ore.]; Panama Selected.

THE commission to investigate the rival canal routes reported in 1901. It declared both routes practicable, each possessing favorable features. Thereupon the French Panama company took heart and let it be known that they were ready to sell out to the United States Government or an American corporation.

On December 6, 1901, while the ratification of the second Hay-Pauncefote treaty was pending, but assured, William P. Hepburn (Iowa) introduced in the House a bill to provide for the construction of a canal connecting the Atlantic and Pacific Oceans. It was referred to the Committee of Interstate and Foreign Commerce. Mr. Hepburn reported it, with amendments from the committee, on December 19, three days after ratification of the treaty. It came up for discussion on January 7, 1902.

The Isthmian Canal

House of Representatives, January 7, 1902

Mr. Hepburn.—The purpose of your committee—the leading thought, next to securing the execution of this great work—has been to concentrate authority and responsibility. Therefore the bill has invested the President with all the authority necessary to accomplish all that is preliminary and then to accomplish

this great work. At the same time, somewhat relentlessly, perhaps, we have thrust upon that officer the entire responsibility of this work in its execution. There is no divided authority under the terms of this bill. There is no commission. There is no place made in this bill for the retirement of partially defunct statesmen. [Laughter.]

Mr. Chairman, I believe that this is wise policy. The first section of the bill authorizes the President of the United States to secure the control over that strip of territory lying in the State of Nicaragua on which he will be enabled to construct, protect, and operate this canal. The word "control" has been used, because in this connection I know of none of broader signification. Control includes sovereignty, jurisdiction, all efforts in the exercise of power. And so the word has been selected and used. I am told by those who are in a position to speak and to know that that word will be satisfactory to that government with which we shall have to deal.

I think there is no question that this enterprise will be of value to us. I have hoped that this canal could be used as a subsidy in promoting the rehabilitation of American shipping. I sometimes despair as to whether we shall be able, with the preconceived notions of many of our associates, to secure that aid in the form in which other nations give it, to upbuilding the merchant marine of the United States. There is something in the word "subsidy," coming down from the days of Thomas Jefferson, that excites the fear and disturbs the heart pulses of some of our brethren. I had hoped that by calling this by some other name they would be able to take much more kindly to the project, and that by the use of this great waterway free of all charge to the American citizen who in an American shipyard built a ship from American material, manipulated by American workmen, sailed by American sailors, loaded with American products, he could have the use of this canal free of all charge. [Applause.]

If that might be done, what an impulse that would give in the direction that you so much desire. The Liverpool merchant to-day trading with Hongkong, using a 6,000-ton ship, using the Suez Canal, pays $24,000 of toll for the round voyage. What an infinite advantage would his American rival have, sailing his vessel from New York or New Orleans or Mobile, using this canal free of all tolls, as he goes upon his journey in competition with the English merchants.

The nation building this waterway removes all probability of cupidity on the part of a corporation that might control

the enterprise. With us the object is commercial, industrial, political, and the benefits to be secured can be enumerated under all those heads. In the case of the Suez Canal the only motive in its operation and maintenance is the commercial idea. Those who control it want to make the most they can out of the tolls. They want their 19 per cent. per annum upon the fabulous cost of that sea-level ditch, built without masonry or concrete—dug out with a shovel—a work which a Chicago man will duplicate to-day for $5,000,000. Mr. Bates of Chicago, with one of those wonderful dredges of his, that removes to a distance of 1,000 yards 6,000 cubic yards of sand in every hour, would dig the whole canal in seven months, and do it for $5,000,000. And yet the engineers who constructed the Suez Canal expended $97,000,000 in its construction.

I believe that this House is to-day intent upon building the Nicaragua Canal. I ask that we now begin it. Gentlemen, has there not been talk enough in the years and centuries that have gone? Is it not time to do something? There are some interests in the United States which it is said will be harmed by the rivalry of this canal, and there are many gentlemen of honest purpose who think that either the time is not ripe, or that an enterprise of this kind should not be undertaken. There are men who are terrified by the specter of scandal, by the possibility of wrongdoing—men who feel that returns in money will not be ample. But I insist upon it that the American people have made their decree that the canal is to be built, and that now is the time to build it, and now is the time to commence it. [Applause.]

JOHN F. SHAFROTH [Col.].—What is your construction upon this bill and upon the late treaty that has been ratified as to the power of the United States to fortify the canal?

MR. HEPBURN.—I have not any doubt about the right of the United States to defend that canal and to do it in the way that seems wise to the United States. I know there are a great many gentlemen, skilled in the art of defence, who say that the proper place to defend this canal is upon the sea; who say that the works will be so expensive and difficult as to preclude their practicability; but I remember that we are spending millions of dollars every year in defending localities along our coast. The argument that can be made against the use of fortifications for the defence of this canal can be made against the use of fortifications at New York, at Philadelphia, at every point along the coast. If the navy is to be relied upon to defend the canal, why not rely upon the navy to defend New York and Philadelphia

and New Orleans? But I do not take a great deal of stock in that kind of talk. I want to see the canal fortified whenever it is in peril.

CHARLES N. FOWLER [N. J.].—The gentleman stated in his remarks that it was possible that we could allow American ships to pass through the canal without charge. Is that his view in the light of the treaty?

MR. HEPBURN.—I said I had hoped that that would be the condition. I have no doubt but that the United States can use that canal in a manner advantageous to its own people above the advantage that it would be to other people, but I have not so carefully studied that treaty as the gentleman has done, perhaps. At all events, government ships will go through free, and at all events, there is that trend on the part of other nations toward yielding to the desires of the United States that makes me hopeful that if there was a barrier of that kind now we would brush it out of the way pretty soon. [Applause.]

ALLAN L. MCDERMOTT [N. J.].—It is rumored that the Panama Canal can be purchased for the sum of $40,000,000. If that be true, we would have a fiscal aspect in favor of the Panama Canal. Now, as the commission have given the price as a reason, in the concluding paragraph of the report, why they declare the Nicaraguan as the most feasible route, I desire the gentleman to answer the question, whether, in his opinion, if the fiscal proposition had been equal, and if we could obtain the Panama Canal as at present constructed, the commission would have reported in favor of that canal?

MR. HEPBURN.—I can not say what the commission might have done under other circumstances, but I believe that I can say that every gentleman who absorbs that report will come to the conclusion to favor that canal which is 400 miles nearer this country, that brings New Orleans 560 miles nearer to San Francisco than this other, that brings New York 375 miles nearer to San Francisco than this other—that that would be the better one for us to construct. [Loud applause.] I believe so supremely in the superiority of the route that is nearest to us that I want to labor, if I can, to carry out the views of the committee that I represent [applause]; and I look upon any attempt to entangle us in any way with the Panama Canal as simply another effort in the direction of delay. [Applause.]

PAGE MORRIS [Minn.].—Would there be any objection to so amending this bill as to give to the President of the United States the alternative power to construct the canal along the

line of the Panama route, provided the rights of the Panama Canal Company, free and clear of all incumbrance, could be obtained for $40,000,000, and provided further that we could get equally favorable concessions from the Government of the United States of Colombia—I believe that is the proper title——

MR. HEPBURN.—I think it is—to-day. [Laughter.]

MR. MORRIS (continuing).—As from Nicaragua and Costa Rica?

MR. HEPBURN.—To my mind there would be objection. I am in favor of our determining this matter. It has been under consideration for a long time. I believe that the Nicaragua Canal route is the better one; and yet here is a foreign corporation with a stake, they say of $109,000,000, our commission say of $40,000,000. They are playing for that stake. They have everything to gain and nothing to lose. If they gain the half of it they are $20,000,000 ahead.

MR. MORRIS.—You stated that it would take two years to get the harbors constructed and the railroad constructed before the work upon the Nicaragua Canal could be done.

MR. HEPBURN.—Yes, sir.

MR. MORRIS.—Now the harbors are already there on the other route. In view of this fact would there be any delay in allowing the President to institute negotiations and see whether these things can be accomplished or not, and letting him have power enough to select either route?

MR. HEPBURN.—I want to ask the gentleman a question. Would it not be better for us to go on and start this matter?

MR. MORRIS.—Decidedly.

MR. HEPBURN.—And if a proposition comes, tangible in its character, valuable in its essence, then during these two years there is ample time for that corrective legislation that the gentleman thinks ought to be initiated. [Loud applause.]

MR. MORRIS.—Possibly so; but in the meantime we could be making progress.

MR. HEPBURN.—In the meantime we are making progress now. We can not make any progress until a bill passes. And I confess that I do not want to have this great enterprise tarnished, tainted, by any connection with the discredited scheme of the Panama Canal. I do not want that kind of a heritage.

Mr. Morris offered an amendment to the bill, the President to choose between Panama and Nicaragua.

Robert Adams, Jr. (Pennsylvania), supported the amendment.

Mr. Chairman, it seems to me curious that such different conclusions should be reached by those who read the report of this commission. Some are impressed with the idea that the whole report is to be read and interpreted on the condition that we can not buy the Panama Canal. I am one of those who take that view, for bearing that proposition in mind, I think any man who will read that report carefully will come to the conclusion that the commission advocate the Panama route.

First, it is shorter by many miles; second, it takes less time in transit; third, there are harbors already constructed at either end; fourth, it has a fewer number of locks through which ships must pass, and, fifth, and to my mind the most important of all, it can be maintained at an annual cost of $1,300,000 less than the Nicaragua Canal can be maintained. I have as yet heard no one capitalize that cost and add it to the expense of construction of the canal.

Of course, none of us is responsible for the bad management and the fearful losses of the Panama Canal Company. With that we have nothing to do except to extend our sympathy to the unfortunate investors. The considerations which to my mind should control us here should be the benefit to the commerce of the world and the cost to the taxpayers of our country, and of these things, and of other facts which I will try to present to you, I shall have something to say.

The difference in the time of transit, according to the report of this commission, is the difference between twelve hours by the Panama route and thirty-three hours by the Nicaragua route. We are told that the Nicaragua Canal is a day nearer to San Francisco. My friends, if it takes a day longer, or twenty-two hours longer, to go through the Nicaragua Canal, where is the saving? The time will be exactly the same, within two hours. We are told that it is so much nearer San Francisco and the Orient as if that was the only trade that is to pass through the canal. Let me tell you that there is a trade in South America which our country has entirely neglected, which is simply waiting for American enterprise, waiting for our commerce to come, and we must not lose sight of the fact that the Panama Canal is twenty-four hours nearer to all that vast field for American exploitation. That country is not inhabited by Chinamen whose prejudices we must break down, whose wants we must cultivate in order to build up our commerce, but it is inhabited to-day by civilized people who have civilized wants already, who are buying from other countries, and who do not

buy from us because we have not sought their trade through proper channels or with proper energy.

The chairman of the committee held out an alluring bait that almost caught me in my earnestness for the building up of our merchant marine. He held out the vague hope that American ships might be allowed to pass through this canal without cost.

Why, Mr. Chairman, that would bring up a first principle of international law—that no government can levy a tax on the commerce of the high seas, and this canal with its neutrality preserved will occupy the same position as the high seas in relation to the commerce of other countries. And if perchance in our patriotism and our home policy we should undertake to maintain that for the rest of the world, the Panama Canal would be completed in the shortest possible time, for the combined wealth and ingenuity of Europe would be sent there and united together for its completion. They would be obliged to do it in self-defence.

Now, Mr. Chairman, I will close with one suggestion. This country found itself bound by the Bulwer-Clayton treaty. Why? Because it had been drawn as a compact between two nations, with all the honor of them at stake for its preservation. I may say that there was an unwritten compact with this republic when it gave its tacit permission to the citizens of France to construct that canal across the Isthmus of Panama. They did go ahead with the expenditure with the result that they lost all their money, and yet we have no responsibility for their foolish conduct.

But in the present condition, we having seen their hopeless condition, having seen their recklessness in their management, their agents having returned to France and submitted the question to the stockholders, and they now come forward in that straight, business-like way which we American people understand, and are ready to negotiate; they offer to sell their canal, at what price? No haggling this time; no uncertainty as to the valuation. They have allowed the agents of this House to appraise their property and to submit their proposition. Now, I ask if in all fairness we should not give these people a hearing? I believe as strongly and as enthusiastically as the chairman of the committee himself that a canal must be built, and of necessity; but I do say, what is to be gained by the little time, the few weeks of difference it would make in giving a hearing to these people, and to authorize the President, or, if you choose, the commission, to give them the alternative of these two routes?

I think it would be the part of sober action and of good judgment by this House.

Mr. Hepburn.—If it is true that the very setting of a day to consider this proposition by the House of Representatives induced this company to reduce their demands for the canal from $109,000,000 to $40,000,000, does not the gentleman think it would be wise for us to take another step and pass this bill with the possibility that they would take off another ten million? [Laughter and applause.]

Mr. Adams.—I do not think so. I do not see very well, if we wish to treat our sister republic and its people with any show of fairness, why we should expect anything of the kind. I think that the amount that they have proposed is a fair price on what is left of this unfortunate enterprise, and I do not think the great American people, who have just given such evidence of their fairness and forced the rest of the world to treat China equitably, would be willing to occupy any such position; and I will say to the gentleman that it is the people of our sister republic who have made this loss, it is her people who helped to found this republic, it is her people that have been our allies throughout the existence of our country; and I will quote President Roosevelt in his message to this Congress, when he said the foreign policy was to be the Monroe Doctrine and the Golden Rule. I say if we wish to occupy that position toward our sister republic and the inhabitants of France, we of the United States must not press those unfortunate investors to the wall, for it is the widow and the orphan that are meeting the loss.

It was not the introduction of this bill that forced the French company to their present position. They knew this bill was coming. It had already passed the House of Representatives at the last Congress. They knew the sentiment of this House, and they knew it was going to prevail. The trouble was that their agents were in a most awkward position. They were sent out by the company, and if they asked too much they knew they would not get it, and if they asked too little they knew what would happen at home. What they anticipated has happened at home, and now under the new conditions their representatives are coming out to submit their proposition. I am informed by a gentleman on my left that they never asked one hundred and ninety millions; that they never asked anything, and so far as my own information goes they refused to make a definite proposition.

This is now purely a business proposition, and I think this

House should go a little slow. A delay of a very few weeks would not be much when we are told that there is a difference of four years in the completion of the Panama Canal as against that of the Nicaragua route.

Mr. Morris's amendment and others of the same tenor were defeated, and the original bill was passed on January 9 by a vote of 308 to 2.

The Senate referred the bill to the Committee on Interoceanic Canals, which reported it without amendment on March 13. It came up for discussion on April 17.

The Isthmian Canal

Senate, April 17-June 19, 1902

John T. Morgan (Alabama), chairman of the committee, supported the bill. On its limitation to the Nicaragua route, he said:

This is a canal that we have demonstrated to be practicable, feasible, permanent, safe, useful, and necessary to the people and Government of the United States.

It is a canal route that, if we do not adopt it, will pass into other hands and will be constructed, beyond our power to prevent it, unless by the employment of force and the disgrace of our country. It will be a canal which, in the control of any other power, can be used against us as a heavy handicap on our coastwise trade, or as a sword thrust between our coast line and the right arm of our naval power engaged in protecting the Panama Canal, 500 miles distant.

There ought to be reasons that are imperative to cause us to surrender such a canal for a possible saving of $5,630,704, but there are none that are either imperative or valuable, or that are inviting or well founded. On the contrary, there are facts, stubborn and inevitable, that block the way to the acquisition and use of the Panama Canal and railroad by the United States, not one of which can be removed by the expenditure of $5,630,704.

The feasibility, practicability, usefulness, permanence, and commercial value of the Panama Canal to the United States are all clouded with many doubts, any one of which detracts more

than that sum from its value, if there was no other possible route with which it could be compared.

Some of the gravest of these doubts, as to engineering results, are admitted to be beyond the limit of all engineering experience.

The Culebra cut is a question of doubt, with its landslides, and creeping clays, and its indurated clay, that melts in water.

Whether the Chagres River will repeat the floods of 1879 and remove, as it did then, the girders of the great steel bridge on the piers at Baracoa and flood the railroad track and the great swamps to the depth of 10 or 15 feet, and whether in such an event it can be shut out from the canal are matters of doubt. Whether any dam can stand such torrential floods and escape the fate of Johnstown and Austin are questions that only the Chagres River will settle in the course of time.

A safe harbor at Colon and the safe passage of ships through a submerged channel three and one-half miles long at Panama when the wind rises and the tide is at the ebb are matters of doubt. They are matters in which doubts are apt to be resolved by destruction, as they have often been resolved at Colon. The abandoned anchors in the bay of Colon, left there by vessels that could not wait long enough to get them aboard when northers drove heavy seas into the shallow bay, are mute witnesses to the reasons for such doubts.

The health of the Panama route can not be safely classed with the matters of doubt. It is a fixed condition that is in constant warfare with human life. It depends upon natural conditions that are beyond remedy, and as a fatal impediment to a successful gateway for the world it is beyond doubt.

The constant presence of yellow fever and Chagres fever is not alone due to the filthy condition of the cities of Panama and Colon or to the unclean habits of the people, nor is it due to mosquitoes. These are aggravations of fatal fevers that make them epidemic, but the seat, the habitat, the permanent home of yellow fever and dengue, or "Chagres fever," is in the city of Panama and the adjacent coasts.

From that center they spread through a fostering atmosphere and are transmitted by the constant and close association of a large number of people at work in a narrow space of country along the railroad and the canal diggings or traveling through it. Spreading from the principal breeding ground at Panama, these fevers permeate the atmosphere of the canal belt and spread through the hot depression leading to Colon, poisoning the people along the entire route, and from these seaports they

move out on the ships and attack all other ports. The yellow fever at Panama is *hostis humani generis,* and all the world can not conquer it.

The reasons are obvious. They are, certainly, three in number: First. The tide of 20 feet that rushes into the bay twice in twenty-four hours, bearing the refuse of the sea and decaying animal matter and leaving it to rot on the hot beach when it recedes. Second. The exposure of thousands of acres of mud flats to the sun when the tide goes out, to give off their pernicious exhalations. Third. The absence of winds to scatter or take the poisonous exhalations away from the beach and the Bay of Panama.

When these natural causes are removed, Panama can be made comparatively as immune from yellow fever as Habana and Santiago de Cuba appear to be. But they are immovable.

Connected with the health conditions at Panama, in such a way that it is inseparable, is the question of police jurisdiction and control of the bays of Colon and Panama, and of these cities. A joint control of these places is indispensable to sanitation and the preservation of the peace.

A mixed or joint control is incongruous, irritating, and dangerous. In fact, it is utterly inadmissible.

Personal liberty, in its most personal and individual sense, is always involved in the execution of health regulations, and such occasions require the exertion of the most direct and arbitrary authority, backed by force in frequent instances.

Panama has always been averse to the union with Colombia, preferring independence or a union with the other isthmian states. They have no patriotic sentiment and no identity of business relations to support the union with the continental States of Colombia. Constant jealousy has, on four occasions, broken out into open wars of insurrection since 1846.

There have been and are still internecine wars, and are all political in character. Holding Panama in the leash bound to Colombia, as we have been compelled to do and are now doing, we incur the natural resentment of those people, nearly all of whose possessions of any real value are at the canal terminals or near to its line.

If we acquire control of those people, along with the bays, the cities, the railroad, and the canal, we will encounter the serious difficulty of using and operating them among an unfriendly people.

These political, sanitary, police and social conditions are quite the reverse on the Nicaragua route. There we have no

natural causes of epidemic diseases to remove, and yellow fever has never been a visitor to the region in which the canal is located. It is a salubrious country, constantly fanned by the trade winds, with a temperature that varies only 30 degrees, between 56° and 96° Fahrenheit, with a lake system, 45 miles across and 140 miles long, in the center of the land, over which these winds move without obstruction.

The island of Ometepe, in Lake Nicaragua, has been selected by the common judgment of travelers as a sanitarium for seamen who will pass it on their long and weary voyages. The beautiful country is a place of refreshment for all voyagers, abounding in excellent fruits and supplies of fresh foods. The lake can be conveniently utilized for the repairs of vessels, even to the cleansing of the bottoms from the accumulation of sea grasses and barnacles that lower their speed while they are *en voyage* passing through its fresh waters.

But a much greater advantage as to sanitation and police is the fact that this fertile country is practically unoccupied, and, under our control, the future occupants will be subject to our selection. Bad characters can not congregate in the canal belt or in the ports, if we object. In Panama this vital question is one of expulsion. In Nicaragua it is a question of our permission. The difference is wide enough and sufficiently important to make it fundamental in the choice of a canal route.

There is no economic question connected with the future management of the canal of more importance than that of peopling the canal belt and the terminal cities with proper occupants.

On June 4 the minority of the committee presented a substitute bill authorizing the choice of the Panama route.

In their report the minority inveighed against the Nicaragua route as lying through a country liable to visitation of earthquakes.

Senator Morgan spoke against this report.

The part of the report of the minority that treats of volcanoes and earthquakes is so somber and threatening in its statements as to the awful danger of such disturbances that I was dismayed when I first read it, and I wondered how the minority could so heroically declare that "First there must be a canal across the American isthmus." On further examination I saw

that the minority have found a "hole in the sky" through which they have discovered that earthquakes and volcanoes can not ever disturb Panama and that all we have to do to get a canal is to pay the Panama Canal Company $40,000,000 for the privilege of constructing a canal at that heaven-favored location, and abandon the discussion as to the choice of routes.

If I were a prophet, as some Senators are assuming to be, I would prefer to be a prophet of good, instead of a prophet of evil, and to foretell that Mount Pelée and the Soufrière would expend their forces and cease to do evil; and I would point to the fact that they have not disturbed the isthmus at Colon, which is nearer to them than they are to Greytown, through any sympathy with their agitation, and that the recent great and disastrous earthquake in Guatemala has not made a ripple on the surface of Lake Nicaragua.

If the earthquake argument is the only way to defeat the Nicaragua route, I am very sorry that it will necessarily carry the Panama route down with it.

Senator Morgan renewed his objections to the Panama route because of the political complications likely to ensue.

If Colombia should oppress Panama, would we protect her against the revolt of the people of Panama on account of such wrongs? If we did so protect Colombia against such a revolt we would be interfering in her internal affairs, and if we did not compel the submission of Panama, without reference to her wrongs or sufferings, we would violate our treaty obligations to Colombia. It is a dangerous situation, in which Colombia can compel us to aid her in the oppression of her own people, and it is this that the proposed convention pledges us to do.

There is little doubt that Colombia would get rid of this thorn that has rankled in her bosom for sixty years and is now fighting her with gallant and determined energy if we would pay her the $40,000,000 we are asked to vote to the Panama Canal Company for a canal that it is not able to complete, and that France will not aid it to complete. With a claim of title that is strong enough only to excite discussion among the lawyers and to promote speculation among stock gamblers, and with a reputation that the Isthmian Canal Commission has stamped as criminal, in its final report to the President, we would purchase troubles and evils that we can neither foresee nor provide against if we purchase the Panama Canal.

If we must encounter these adverse and disreputable conditions in order to get a canal, let us clear the field of all doubt and all reproach by the annexation of Panama, for it will come to that at last.

On June 5 Marcus A. Hanna (Ohio) supported the minority bill.

Mr. President, we have dwelt upon the question of the Nicaragua Canal as a sentiment until we have grown to believe that there was no other route possible or available. But other people have not thought so. Is it not fair to suppose that De Lesseps considered every question which we are liable to discuss to-day before he invested the money of his people and risked his reputation as to the success of it?

I want to confess that, in common with all my fellow-citizens, I shared in their feeling and belief; and, as the necessity seemed to grow and demand an isthmian canal, I would have been prepared, under the influences which then existed, to give my hearty support to that project, but it seems as if the fates were guiding us in the right direction, when, for some reason or other, we were deterred from building that canal which would have been obsolete to-day, and we were deterred from embarking in a project that, in the light of subsequent events, it seems to me would have been a mistake.

Mr. President, without going into detail, I want to call attention to a few reasons for which we are supposed to construct the canal.

First, we want the best route. What is the best route? The shortest route under like conditions. The Panama Canal route is 49 miles long, as against the 183 miles of the Nicaragua route.

There are physical conditions connected with the operation of the canal which are just as important as its length. Although you might have an ideal canal in all the physical conditions for which a canal is to be built, there might be other conditions which would render its operation almost impossible.

You build your canal for what? For the passage of vessels from ocean to ocean in the shortest possible time, at the lowest possible risk, and also on the most economical lines. That means success.

I do not believe there is a member of this body, designing to vote unselfishly and correctly, who would undertake to say what we shall do upon his own responsibility and information

without advice acquired from the finest experts in the world. For what did we need an Isthmian Canal Commission if not to advise us upon all these questions of technique of which we are not supposed to be masters?

Some of them are loyally serving their country as officers in the army and navy; all were bound by their oaths, when they appeared before the committee, to tell the truth, without fear and without favor; and we have their unanimous report in favor of accepting the proposition of the Panama Canal Company.

Volcanoes and earthquakes seem to be a burning question just now while Mount Pelée is discharging its fire, and they have led to a more careful consideration of that matter. I might go back to the great speech made by Senator Davis of Minnesota, upon the very bill which was mentioned here yesterday as being the crowning effort of the Committee on Foreign Relations, and quote from him what is here verified by the map to-day as to the number of active volcanoes within the immediate range of the proposed route of the Nicaragua Canal.

If we have waited as long as we can or ought to wait, let us show wisdom enough in discussing and deciding this question to provide for any contingency which may occur in the future.

Let us adopt a route where as the commission say it may be possible—aye, it is possible, being only a question of dollars and cents—that a sea-level canal can be built.

The Panama Canal was commenced and intended to be a sea-level canal, and it would have been a sea-level canal had the project been carried out. I am told by engineers that there is nothing in the way, even after the Panama Canal shall be completed with locks, during and while it is in operation even, to make it a sea-level canal by paralleling certain parts of it.

You will find when this subject opens up that not only the questions of distance and of curvature and of locks enter into it, but that, in regard to the Nicaragua route, the trade winds blow every day in the year from 16 to 20 knots across the Nicaragua route. At the low speed at which a vessel will be compelled to operate in passing through a narrow canal, those winds would make it an absolute physical impossibility to keep her off the banks without the aid of tugs. The more I have studied this question from the standpoint of the vessel, the more I have been convinced that we *never* have gone far enough in dealing with the successful operation of the canal, even when we had but the one route to consider.

W. A. Hanna

The annual cost of operating the Nicaragua Canal is $1,350,000, or, say, $1,300,000, in excess of the Panama route. That is the interest on $65,000,000. The extra expense of $1,300,000 would, of itself, to any individual or private corporation proposing to invest their money in an enterprise like this, decide; and why should not the United States Government conduct its business upon business principles?

While we may not be constructing the canal for the purpose, in the first instance, of making money, if we have an opportunity to have a canal, and one that will not be a burden to the Government, is it not better to choose that route when we have the choice?

Another feature connected with the expenses of the canal is that along the line of the Nicaragua route it is a very doubtful question whether either the Government of Nicaragua or of Costa Rica is the bona fide owner of all the land and whether it could, if it would, pass the control of it to this Government without damages to other parties.

It is a matter of record and of history that the Maritime Canal Company was started a number of years ago under the auspices of one Menocal, who was quoted here yesterday as an authority. They spent some three or four or five million dollars, and purchased rights from Lake Nicaragua to the Pacific, which they claim to own to-day. They obtained concessions from Nicaragua and Costa Rica, which concessions they claim to-day have not been forfeited, and the record of the Interior Department shows that the United States Government has defended them as their right.

Those matters are to be settled with.

I for one am not disturbed with reference to the unsettled condition on the isthmus, which it has been stated is a chronic condition in Colombia, and you might add that there are others in Central and South America. If this canal will do anything, in addition to accommodating commerce, it will be a peacemaker, because being owned and controlled and defended by the United States it will be a power for peace wherever it is built.

When our authority is placed anywhere along that isthmus I have no fear of interference with the canal or with any citizen of the United States who may have charge of the management or conduct of the canal.

John H. Mitchell (Oregon) opposed the Panama route. In his speech he referred to the Maritime Committee as "Hanna's Commission."

To this insinuation Senator Hanna indignantly replied on June 6.

"Hanna's Commission," indeed! Why, Mr. President, in discussing this proposition, important as it is to the country, I seek to discuss it upon a higher level than that; and, if the appeal I make to this body does not carry with it the conviction that the route for which I stand is the best for the United States, then I should not personally desire to have it adopted. I said yesterday that there was no politics in this proposition, no sentiment in it, no sectionalism in it, and certainly there is no personality in it.

I have heard it urged that we ought not to consider the commercial side of this question. Mr. President, the commercial side of this question is the one side which interests all the people, East and West, North and South.

Where will you look for inspiration upon any great public question if you eliminate the necessities of the people by sneeringly calling them "commerce" or "commercial value"?

Mr. President, there is nothing inconsistent from a national and patriotic standpoint with the ambition and the aims connected with this enterprise, if we at the same time consider on parallel lines the material benefits which it is going to bring to the whole people. If we had the canal built to-day, after passing through all these discussions, and if we found that we had made a mistake in our selection, we would feel that something personal or sectional or otherwise had influenced our decision as against the advice and the judgment and the information furnished us by the highest possible authorities in the United States or elsewhere.

On June 7 Senator Mitchell further opposed the Panama route, chiefly because its selection would involve the United States in the French "Panama Scandal." This scandal he related in full, and then remarked:

In view of all these complications, in view of the fact that both the old canal company and the new canal company are still in the French courts, would any wise man in his senses risk the venture of investing $40,000,000 in a property whose title is so clouded in so many different respects? Our friends on the other side may answer, and do answer, by saying that if the Spooner amendment is adopted and the President can not

obtain a satisfactory title that then the way is open to construct the Nicaragua Canal. But let me tell you, Mr. President, the place and time to determine whether it is wise to have anything or nothing to do with this Panama venture is here and now.

On June 11 Charles W. Fairbanks (Indiana) explained and supported an amendment which had been offered by John C. Spooner (Wisconsin).

Senators have raised the question as to our ability to secure an unembarrassed title to the property of the new canal company. I do not believe their contention is well founded, but if I am in error in that view, and if those who believe with me are likewise mistaken, the Spooner amendment safeguards our interests.

The first section provides that the President may acquire on behalf of the United States the property of the new Panama Canal Company at a cost not exceeding $40,000,000.

Section 2 provides that the President may acquire from the Republic of Colombia control of property and rights adequate for the construction and maintenance of the canal and appropriates a sum sufficient to effect this purpose.

Section 3 provides that when the President shall have obtained a satisfactory title to the property of the new Panama Canal Company and has secured the necessary property from the Republic of Colombia, he is authorized to pay the sum necessary to secure the canal property and the requisite concessions from Colombia. Not until the question of title, both from the canal company and from the Republic of Colombia, has been carefully determined does the United States part with a solitary dollar from the treasury. After satisfactory title has been acquired the Secretary of War is directed to proceed with the work of constructing the canal.

It is further provided by section 4 that if the President shall be unable to secure a satisfactory title to the property of the canal company, and the control of proper concessions from the Republic of Colombia, then he is directed to go forward and secure concessions along the Nicaragua route, and in the same manner construct a canal upon that route.

I differ with the honorable Senator from Kansas [William A. Harris], that this amendment is intended to defeat the construction of an isthmian canal. It is intended in a frank, straightforward, and intelligent way to secure a canal. The

amendment is broad and liberal in its scope and purpose. It is founded upon the undivided judgment of a commission of eminent scientists and experts, patriotic citizens of the Republic.

I believe that after we have spent a million dollars and waited two and a half years for their report it would be utterly inexcusable if we should set their report aside as not worth the paper upon which it is written. That report is here. It means something. It is, sir, in my judgment, the only rational and safe predicate for the action of Congress upon this important subject.

On June 12 Senator Morgan opposed the Spooner amendment. He claimed that the new Panama company had nothing to sell; that they had forfeited the property to Colombia, who, after 1904, would have the right to take it over.

They commit an act of bankruptcy in falling from $109,000,000 to $40,000,000 in a proposition to sell that property. There is not a bankrupt court in the United States, nor in France, nor in the world that would sustain a sale made by an acknowledged bankrupt or by one who becomes a bankrupt and files his petition for a discharge when he claimed to hold a property worth $109,000,000 and had sold it for $40,000,000.

And yet upon technicalities our learned friends in the minority of this committee insist that that is a valid transaction and binding, not only upon Colombia, but upon the clean conscience of this great and noble Republic. I repudiate it. I deny the impeachment against my country, that it is capable of entering into as questionable a contract as that.

It is void, and not only void, but it is fraudulent, and the Colombian people represented by the Liberal Government repudiate it and give us notice that they intend in future to repudiate it. Are we still to persist in paying $40,000,000 to the Panama Canal Company for a contract that is thus assailed and proved to be not merely void, but fraudulent, for that is what these men charge?

The people will make points upon Senators on either side of this chamber who undertake to deal with a corporation that is denounced by the liberal party, now in arms and fighting around Panama, as being absolutely and unquestionably violative of the Constitution of Colombia of 1886.

SENATOR SPOONER.—If they win and in season do not ratify a treaty, this bill provides for the Nicaraguan Canal?

SENATOR MORGAN.—Yes, Mr. President; but if you cannot get a title, then when you turn to Costa Rica and Nicaragua they will say, "Excuse us, you would have no dealings with us. You refused to accept the protocol of McKinley. When you found out you could not get a contract with Colombia you wish to stand upon it now. We agreed to make terms with you and you would not do it."

On June 19 the Spooner amendment was passed by a vote of 42 to 34. Senator Morgan offered a substitute for the bill that authorized the selection of the Nicaragua route. It was rejected by a vote of 41 to 33. The bill was then passed by a vote of 67 to 6.

The House disagreeing to the Senate bill, a conference was appointed, which reported on June 25, advising that the House accept the Senate bill. This the House did on June 26 by a vote of 260 to 8. President Roosevelt approved the bill on June 30, 1902.

CHAPTER X

The Panama Revolution

[THE COLOMBIA AND PANAMA CANAL TREATIES]

The Hay-Herran Treaty [Colombia] Debate in the Senate on Its Ratification: in Favor, Shelby M. Cullom [Ill.]; Opposed, John T. Morgan [Ala.]; Treaty Is Ratified—The Hay-Varilla Treaty [Panama]—President Roosevelt's Message on the Treaty—Debates in the Senate on the President's Recognition of Panama: in Approval, Joseph B. Foraker [O.]; in Disapproval, George F. Hoar [Mass.], John T. Morgan [Ala.], Edmund W. Pettus [Ala.]; the President's Justification of His Action.

THE State Department, after finding upon investigation that the French company had a valid title, entered into negotiations with it and with Colombia to secure the canal.

On January 22, 1903, a treaty was signed with Colombia (Hay-Herran Treaty) securing to the United States the right to build the Panama Canal.

For consideration of this and other treaties which had not been given in the regular session the President summoned the Senate in special session on March 5, 1903.

Canal Treaty with Colombia

Senate, March 9-17, 1903

On March 9 John T. Morgan (Alabama) opposed ratification of the treaty.

In the first one hundred years of the lease, under this treaty, we are to pay Colombia $25,000,000 for the rent of the right of way for the canal and the railroad. In the same period we would have to pay Nicaragua $2,500,000 and Costa Rica $1,000,000, or $3,500,000—a difference in favor of the Nicaragua route

of $21,500,000 for the use of the right of way for one hundred years.

We are required to pay Colombia and the canal company $50,000,000 spot cash for the property and the concessions. The interest on this sum, at 3 per cent. for one hundred years, is $150,000,000; total, $200,000,000.

We will pay Costa Rica and Nicaragua $7,000,000 spot cash, the interest on which at 3 per cent. for one hundred years is $21,090,000; total, $28,090,000.

The difference in favor of the Nicaragua route on account of right of way for one hundred years is $171,910,000, or about enough to build the canal if it was owned by private persons.

These figures can neither be disproved nor explained away, and they justify all that we can do to save the country from this bondage to Colombia and the fraud-infected and fever-cursed Panama Canal.

When the Spooner amendment was adopted a state of facts had been settled between the United States and Colombia that made this blackmail apparently impossible, and it is impossible if that law is obeyed and enforced.

I know of no personal or official obligation that is higher than honest and respectful obedience to the law. This is especially to be required at the hands of the President, both for the benefit of a high example and because of his official duty to see that the laws are enforced.

It is a duty to Congress also that Colombia should not be invited by the President, with the advice and consent of the Senate, to assist in repealing the canal law of June 28, 1902, by a treaty with Colombia. That power was not given him for that purpose.

This treaty violates the spirit and the letter of every provision of that law which relates to the protection and defence of the canal, or of our people engaged in its construction and operation, and of our ships and commerce passing through the canal. Therefore the money appropriated in the act can not be paid out by the President for these new and different purposes.

Having stated some of the reasons why I can not support this treaty, and having prepared a substitute for it, by way of amendment, which accepts the Panama route and attempts to secure the rights that every American demands for his country, to which I respectfully ask for criticism or amendment, I will now proceed to state some objections to the manner in which this treaty is brought before the Senate and to the

refusal of the President to reply to the request of the Senate for information touching the advice and consent he requests of the Senate, and which the Constitution requires this peculiar and powerful tribunal to give the President on such occasions.

I am well aware that some Presidents have regarded such advice and consent as intrusions upon some fancied prerogatives they have supposed that they possessed in virtue of the office. I have read our constitutional history amiss if there is a shred of the prerogatives of the English kings left to taint our constitutional system with the virus of this baneful pretension, and I hope our President is immune from that illusory imagination.

Whatever the President may have the right to withhold from the Houses of Congress, on grounds of public policy, he can not withhold from the Senate, when it is considering a treaty submitted by him, such information as he may possess, and especially such as is in the custody of the heads of departments and is found in the archives of the Government, when information is called for by a resolution of the Senate, without committing a distinct and grave breach of the privileges of the Senate.

In this case a question of serious importance that affects the honor of our dealings with the hostile factions in Colombia as well as the correct policy of the Government has been raised by two undisputed facts, namely, that the price of the concession provided for in the treaty before the Senate is greater by $3,000,000 than the sum which Colombia agreed to accept, in diplomatic notes exchanged between our Secretary of State and the minister of Colombia on the 18th, 21st, and 23d of April, 1902; and that at the capitulation of the insurrectos in Panama the promise was made by the Colombian Government to pay them $3,000,000 of the money to be paid, as provided by this treaty, as the reward for their pacification.

I can not conceive of a treaty as being of undisputed validity which is made on behalf of a people who are in the distress and agitation of civil discord and which concedes vastly important rights to the United States, covering the perpetual control of a canal zone that cuts a department into two parts, when only a dictator holds the reins of power and one of its organic departments—the congress—is not in existence.

Much less can I believe that an acquisition of such territorial rights in Colombia will be accepted or endured by the present or the future generations of Colombia, and especially by the

gallant and intrepid natives of Colombia who belong to the great Liberal party of Spanish America.

I insist that the treaty needs amendment, and Senators, including the chairman of the Committee on Foreign Relations, admit that some of the amendments offered in the committee would improve the treaty and make it more acceptable to our people.

I have heard Senators announce that we must have this treaty, without amendment, no matter what its defects may be, because Colombia will reject it if any amendment is made to it.

If we lose this bargain, are there not others greatly to be preferred that await our acceptance? Do we suppose that the American people do not see the deception that we so cordially embrace? Being in no strait of necessity, we can not refuse to do what is right and dutiful as Senators, unless the Senate means to surrender its independence of thought and action to the arbitrary demand of the President.

I can not follow those who would sink the glorious prestige of the United States to the humiliation of a galley slave of Colombia. The desire of the President for what he may conceive to be a brilliant *coup d'état,* executed in company with Marroquin, the military dictator of Colombia, and the new Panama Canal Company, if he entertains that questionable ambition, suggests to me the need of a more patient conservatism among Senators as his constitutional advisers.

Turning to the treaty itself and the act of Congress that gave the President limited powers to treat with Colombia for canal concessions, and also to the convention agreed upon between Mr. Hay and Mr. Concha in April, 1902, I find all the light that is needed to reveal its deformities, its unworthy spirit, and its deep humiliation to the United States.

This treaty violates the letter and spirit of the act of June 28, 1902, in this:

(1) That it surrenders to Colombia 1,295,480 acres of land that is purchased under its provisions from the Panama Canal Company, at a cost of $3,624,033, as I have above shown.

(2) That it pledges the United States, as guarantor, of $1,000,000 to be paid to Colombia for canal stock, while we disclaim any liability on that account.

(3) That it yields to Colombia the concessionary right which we purchase from the Panama Canal Company of the exclusive right to construct in Colombia canals or railroads to connect the oceans.

(4) That it pledges the United States to the perpetual obligation of the treaty of 1846-1848 with New Granada.

(5) That it prohibits the acquisition of territory by the United States in any part of Central or South America for all time to come, while it leaves Colombia under the civil or temporal supremacy of the Holy See of Rome by our silent acquiescence in the concordat of 1888 and its direct application to our citizens in Colombia and in the canal zone, whereby the foundation principle of the Monroe Doctrine is abandoned under our treaty obligations that our people should be subject to all the laws of Colombia while residing in that country or in the canal belt.

(6) That we are made to guarantee the autonomy and independence of every state in Central and South America.

(7) That we agree to pay Colombia $10,000,000 cash for the rental of the canal belt, for which she bound herself to accept $7,000,000 in April, 1902, by a diplomatic covenant, on which Congress acted in giving the preferential selection to the Panama route over the Nicaragua route, thereby ratifying and applauding an act of blackmail by a public treaty.

(8) That the treaty, in connection with the fifth article of the concession of 1878 to N. B. Wyse, prohibits us from sending our ships of war through the canal built with our money, without the express consent of Colombia, given by special treaty or by her act of congress, when we are at war with any other people or government.

(9) That, contrary to the act of June 28, 1902, the United States can only exercise police powers in the canal zone, in conjunction with Colombia, for the protection of the canal or our property there, or the property of the people of other nations there, or in preserving the peace or the health of that zone.

(10) That the cities of Panama and Colon are excluded from the canal zone, as the four islands in the Bay of Panama which belong to the canal company are excluded, when the act of June 28, 1902, included them in that zone.

(11) That Colombia reserves the right, in the canal zone fixed by said act, which extends from the Atlantic to the Pacific Oceans, to establish ports, under her exclusive jurisdiction, between the ports that the United States is allowed to open inland and the open ocean, thereby enabling Colombia to completely control those outside ports in ways that would, under this treaty, lawfully obstruct their free and convenient use as canal ports.

(12) That this treaty excludes the idea that the United States can erect fortifications at or near Colon, or on the four islands in the Bay of Panama that command the canal zone and

its Pacific entrance, even to resist the fortress at Panama, which the act of Congress includes in the canal zone, or to protect the canal and the railroad against foreign assault, or from being raided by hostile parties in Colombia.

(13) That this treaty deprives the United States of all right to land military forces in the canal zone, except in cases of unforeseen and extreme danger to the canal, or to protect the canal against any foe unless Colombia is unwilling or unable to give such protection with her own forces, and it requires that our forces shall be instantly withdrawn from the canal zone when the forces of Colombia appear on the ground to take charge of the interruption.

On March 16 Shelby M. Cullom (Illinois) supported the treaty.

Mr. President: The consideration of the treaty with Colombia for the construction of a ship canal is about closed.

There can be no complaint from any source that a full and ample opportunity has not been given to each and every Senator to express his views at any length he desired on this important treaty. Numerous amendments have been proposed, freely discussed, and after full and fair consideration all of the amendments proposed have been disagreed to, and the question now is, shall the Senate, under its constitutional powers, advise and consent to the ratification of a treaty with Colombia for the construction of a ship canal?

In this last hour of the debate I deem it my duty to submit again, and have recorded, a brief statement giving my views as to the provisions of the treaty that have been most criticised in the Senate.

Since this treaty has been before the Senate we have heard a great deal about the character of the people of Colombia, and especially of the State of Panama. We have been told about the government of that country, and its President, and the conduct of affairs there generally. We have heard of the religion of the people of that country—of the church party and the antichurch party. It is not my purpose to in any way reflect on the Government of Colombia, its officers, or people. Whatever may be said of the religion of the people of Colombia and their internal affairs, I respectfully submit that that is a subject with which we have no particular concern.

It is not incumbent upon the Government of the United States to inquire into the election of executive officers in a republic with which we are attempting to negotiate a treaty. All

that we desire is that there be a government, whether *de facto* or *de jure*, in such country, which government is apparently dealing with us in good faith in the making of a treaty.

Neither is it any concern of ours what Colombia intends to do with the $10,000,000 which we will pay her if this treaty is ratified. That is a matter in which we have no interest.

It is true that in the draft of an agreement which was submitted to Congress during the last session it appeared that Colombia was at that time willing to accept $7,000,000. But the simple fact is when the present treaty under authority of act of Congress was being negotiated Colombia declined absolutely to take $7,000,000 and insisted upon ten millions. If her former agreement to take $7,000,000 was at all binding, which I doubt, we were simply compelled to pay $10,000,000 or get no treaty.

All that can be said in reference to this is that Colombia insisted, as she had a perfect right to do, on being paid $10,000,000, and nothing remained for us to do except to pay her that amount of money or drop the negotiations.

Now, Mr. President, much has been said on the question whether the treaty before us is such a compliance with the Spooner Act as will authorize the President to pay the $40,000,000 to the Panama Canal Company and the $10,000,000 to Colombia, which we appropriated during the last Congress.

In my judgment, if this treaty is ratified the President will be advised by the Attorney-General that there has been a sufficient compliance with the Spooner Act.

Section 1 of the Spooner Act provides that the President is authorized to acquire, at a cost not exceeding $40,000,000, the rights, privileges, franchises, concessions, grants of land, right of way, unfinished work, etc., and other property, real, personal, and mixed, of every name and nature, owned by the new Panama Canal Company, including 68,863 shares of the Panama Railroad Company.

The President has complied with this section of the act by accepting the offer of the Panama Canal Company to sell its property to the United States at $40,000,000.

The second section provides in substance that the President is authorized to acquire from Colombia upon such terms as he may deem reasonable perpetual control of a strip of land, not less than six miles in width, extending from the Caribbean Sea to the Pacific Ocean, and the right to excavate, construct, operate and protect thereon a canal, including the right to perpetually operate and maintain the Panama Railroad Company, and also

jurisdiction over said strip and the ports at the ends thereof, to make such police and sanitary regulations as shall be necessary to preserve order and health, and establish tribunals, etc.

The President has complied substantially with this section.

The first question in reference to this is, is the control for the term of one hundred years, renewable at our sole and absolute option for periods of similar duration so long as we may desire, "perpetual control"? I maintain that to all intents and purposes it is perpetual control. The treaty gives us control of the zone forever at our option. The word "perpetual," as used in this treaty, has no particular technical meaning in law. The word is given its ordinary meaning, which is: "Never ceasing; continuing forever in future time; destined to be eternal; continuing without interruption."

We obtain by this treaty a never-ceasing control of the canal zone; it will continue forever, by its very terms, if we so desire it; it is destined to be eternal, and it will continue without interruption. The intent of the Spooner Act in this respect is substantially complied with. All that was contemplated by that act was that we should have an irrevocable control, so far as Colombia is concerned, over the canal zone. We obtain such control by the treaty.

The next question is, Does the treaty give us a six-mile zone from the Caribbean Sea to the Pacific Ocean, as provided in the act?

I maintain that that provision has also been substantially complied with. We obtain by this treaty considerably more than a six-mile zone all along the route of the canal, excepting at two points—Panama and Colon. At Panama, for a very short distance, the zone is one and one-half miles wide on one side and a little over three miles on the other. At Colon it is less than three miles on one side and a little over three miles on the other. There has been such a substantial compliance with the act in respect to the zone that the exception of Panama and Colon is not important. In addition to this it must be remembered that we obtain more than a six-mile zone along all auxiliary canals. So, as a matter of fact, we obtain a wider zone and a greater zone (excepting at the two points I have mentioned) than the act provided. There is no fatal variance in this regard between the act and the treaty. The Spooner Act provides that the strip of territory shall extend from the Caribbean Sea to the Pacific Ocean. The very terms of the treaty comply with the act in this respect.

We obtain the perpetual control of the railroad, as provided

in the act. We obtain jurisdiction over the strip, and substantially over the ports at the end thereof, to make police and sanitary regulations, as provided in the act. The treaty provides for the judicial tribunals, as stipulated in the act.

Section 3 of the act provides that when the President shall have done the things required of him in sections 1 and 2—namely, acquired the property of the new Panama Canal Company and obtained a satisfactory treaty with Colombia—he is authorized to pay for the property by warrants drawn by himself.

Now, Mr. President, as I have stated, there has been a substantial compliance with the Spooner Act. It is a primary rule of construction that in cases of this kind one treaty or one law must be construed with another, so that the whole may stand, if possible. Repeals by implication are not favored by the courts. The Supreme Court, before it will declare that a law repeals another law or a treaty repeals a law, will require that the later provision is certainly and clearly in hostility to the former, and if the two statutes or the treaty and statute can be construed so that they both can stand they will be so construed.

In connection with this particular branch of the subject I desire to take a very few minutes in talking about the public lands.

As I view this subject, we have obtained all and more than all the lands which we can possibly need. Most of the lands situated in the six-mile zone are now owned by the canal and railroad companies; and these lands we of course acquire under our contract with the canal company. The mere right of the canal and railroad companies to earn the said lands situated outside of the zone reverts to Colombia. The President had a perfect right to make this agreement providing that the rights to the public lands outside of the zone shall revert to Colombia.

It has been claimed that we assume obligations in reference to the shares of the Panama Canal Company which Colombia holds and which the treaty provides shall be paid their full nominal value at least.

By Article IV of the extension of 1890 of the Wyse concession of 1878 the Panama Canal Company agreed to issue to Colombia, gratis, 5,000,000 francs in 10,000 dividend-bearing shares of the new company.

These are the shares referred to in the treaty under consideration. The United States assumes no obligation or liability whatever in reference to these shares, as Article I of the treaty

under consideration expressly says that such rights of Colombia to the said shares exist only as a stockholder, and that no obligation under this provision is imposed upon or assumed by the United States.

Reference has been made to the treaties of 1846-1848 between the United States and Colombia and to the Hay-Pauncefote treaty.

Both of those treaties, as is well known, refer to neutrality.

The treaty of 1846, which the present treaty provides shall remain in full force as to the cities of Panama and Colon and elsewhere in Colombia, was a treaty of friendship entered into between the United States and Colombia in 1846. This treaty was entered into in contemplation of the construction of a canal across the Isthmus of Panama. The present treaty provides that we shall continue to guarantee the neutrality of the isthmus, in conformity with the provisions of article 35 of the treaty of 1846.

By article 35 of that treaty we agreed to do two things in particular. We guaranteed the neutrality of the isthmus, and we guaranteed the rights of sovereignty and property which Colombia has and possesses over said territory. The treaty of 1846 is still in force between the United States and Colombia. We are still bound by it, and there is no objection to our continuing to be bound by it under the present treaty.

As to the Hay-Pauncefote treaty, Article XVI of the treaty under consideration provides for the opening of the canal upon the terms provided for by section 1 of the Hay-Pauncefote treaty, and in conformity with all the stipulations of that treaty.

The provisions of the Hay-Pauncefote treaty are very familiar to Senators. It abrogated the Clayton-Bulwer treaty; it provided for the neutrality of the canal, and it contained certain rules governing such neutrality.

There is no objection that I can see in incorporating the Hay-Pauncefote treaty in the treaty before the Senate. That treaty is already a binding obligation upon us. We intend to observe it. We want a neutral canal. We want a canal that will be to the interest of the world to use and protect. The United States does not desire a canal for its own exclusive use.

In the discussion of the Hay-Pauncefote treaty it was well settled to the satisfaction of most Senators that there was nothing in that treaty which prevented our fortifying the canal if we so desired. There is not a word in this treaty that will prevent our fortifying and protecting this canal if an emergency arises which makes it necessary for us to do so.

Now, Mr. President, I desire to say a word about our guaranty of sovereignty of the Republic of Colombia.

Our guaranty is no greater than the guaranty which we gave her in the treaty of 1846. We are still bound by that treaty, and the reference to sovereignty of Colombia in this treaty is only a restatement of what we are already bound to acknowledge by a treaty made half a century ago.

As to the statement in reference to our intention not to increase our territory at the expense of any of the sister republics of Central or South America, but to strengthen them, and to promote and develop their prosperity and independence.

That statement is a mere recital, a mere reiteration, of a policy which is as old as the Government of the United States itself. It was to promote that policy that President Monroe promulgated the famous Monroe Doctrine.

Mr. President, the article about which there is more difference of opinion, as to the propriety of its remaining in the treaty, is the twenty-third article.

By that article Colombia agrees to provide the armed forces necessary for the protection of the canal, but if Colombia can not effectively do so, then, with her consent, the United States shall employ such forces as may be necessary.

If it were not for the clause which follows, the provision I have read would be objectionable. But the twenty-third article continues:

> Under exceptional circumstances, however, on account of unforeseen or imminent danger to said canal, railways, or to the lives and property of the persons employed upon the canal, railways, etc., the Government of the United States is authorized to act in the interest of their protection without the necessity of obtaining the consent of Colombia beforehand.

This provision removes the objection from the so-called joint protectorate. The United States will determine what are exceptional circumstances and unforeseen or imminent danger. Those terms are susceptible of a very broad construction. I think I am safe in saying that, if it ever becomes necessary to fortify or protect the canal by armed forces, it will be a case of unforeseen or imminent danger, or an exceptional circumstance.

In addition to this, other articles in the treaty give us ample powers to protect the canal.

In addition to all this, there is no probability at all that Colombia desires to, or ever will, or ever will be able to protect the canal by armed forces. She is not able to do so if she desired, and the United States, of course, will have to and will protect

the canal by armed forces whenever it is necessary, and we will do it without any violation of the twenty-third article of the treaty with Colombia.

Another suggestion in this connection: It must be remembered that the canal will be a neutral one. That was the purpose of the Clayton-Bulwer treaty; that was the purpose of the first Hay-Pauncefote treaty, and the neutrality feature was retained in the second Hay-Pauncefote treaty.

Now, Mr. President, a word as to Colombia's concessions under this treaty. Her concessions are not unimportant. She gives us the six-mile zone. She gives us the right to perpetually maintain and operate and protect thereon a canal. By the twenty-second article of the treaty she renounces all her rights under the concessionary contract she has with Wyse, with the Panama Canal Company, and with the railroad company.

For these important concessions we pay Colombia in cash $10,000,000, and at the end of nine years we commence paying her an annuity of $250,000, which is not changed during the life of the present treaty, and this treaty is a perpetual one.

Mr. President, one word in conclusion. The suggestion has been made here that it is humiliating for this great country to be compelled to yield in any degree to Colombia in the terms of this treaty. It has been suggested that Colombia is a small country, scarcely worthy of consideration. Whatever may be the facts in relation to the strength of Colombia or to its weakness, this Government is too great, too honorable to take advantage of the weakness of sister republics in any international dealings we may have with them. Colombia is an independent sovereign country. It should be treated with the same consideration as the greatest nation in the world. It has been the well-settled policy of the United States to deal with the great and small nations alike. The United States never has and never will demand more of a small, weak country than it would demand of the strongest under the same circumstances.

I desire in these last words to most unqualifiedly condemn any suggestions that the United States should take advantage of any country, great or small, in our dealings with them, either upon the question of a canal or any other question.

Senator Morgan closed the debate with a reiteration of the superior advantages of the Nicaragua route. Recognizing that Panama had been settled upon by the controlling spirits of the Government, his final appeal was a despairing one.

Mr. President, I leave this subject to take care of itself from this time forward. I will await a time to see whether or not there is a chance for the United States to accept that beautiful and inviting situation created in Nicaragua by the hand of nature, a location that is more convenient than any other place in the world for an isthmian canal; a healthy and fertile zone in a country of splendid agricultural, mineral, and forestry possibilities and resources, occupied by a quiet, gentle people, where the canal zone, from Greytown to Brito, would perhaps not include 3,000 inhabitants, and where, under the permissions given to us under the proposed treaties with Nicaragua and Costa Rica, we could admit or refuse the privilege of residence in that zone to any who might apply, a healthful and beautiful country, where Americans could gather with their industries and their trades in the very heart of the great equatorial belt that will pass around the world. We throw that all away. We throw away a canal for which we have spent nearly two millions in surveys, against which no breath of suspicion was ever raised by any survey or any commission of examination or by any engineer or explorer or traveler who has ever been there, which is absolutely free from all exceptions and objections. We cast it aside and plunge into the fever-laden morasses of Panama. Why, Mr. President, why? Because we are led or driven by some hidden impulse that there is no man in the Senate who is prepared to weigh or to measure, or to explain or account for.

The treaty was ratified by the Senate on March 18 by a vote of 73 to 5. Colombia, however, refused on her part to ratify the treaty, demanding a cash payment of $15,500,000. The result was the secession of the State of Panama from the United States of Colombia, the recognition of its independence by the United States, and the formation by the United States of a treaty (Hay-Varilla) with her on the terms formerly offered to Colombia, but with amendments substantially the same as those offered by Senator Morgan to the Colombia treaty (Hay-Herran).

On December 7, 1903, in his third annual message to Congress, President Roosevelt presented an account of the fate of the Hay-Herran treaty, and of the consequent actions of the United States Government, together with a justification of these actions.

The Panama Treaty

President Roosevelt

Last spring, under the act of June 28, 1902, a treaty concluded between the representatives of the Republic of Colombia and of our Government was ratified by the Senate. This treaty was entered into at the urgent solicitation of the people of Colombia. In drawing up this treaty every concession was made to the people and to the Government of Colombia. We were more than just in dealing with them. Our generosity was such as to make it a serious question whether we had not gone too far in their interest at the expense of our own; for in our scrupulous desire to pay all possible heed, not merely to the real but even to the fancied rights of our weaker neighbor, who already owed so much to our protection and forbearance, we yielded in all possible ways to her desires in drawing up the treaty. Nevertheless the Government of Colombia not merely repudiated the treaty, but repudiated it in such manner as to make it evident by the time the Colombian Congress adjourned that not the scantiest hope remained of ever getting a satisfactory treaty from them. The Government of Colombia made the treaty, and yet when the Colombian Congress was called to ratify it the vote against ratification was unanimous. It does not appear that the Government made any real effort to secure ratification.

Immediately after the adjournment of the Congress a revolution broke out in Panama. The people of Panama had long been discontented with the Republic of Colombia, and they had been kept quiet only by the prospect of the conclusion of the treaty, which was to them a matter of vital concern. When it became evident that the treaty was hopelessly lost, the people of Panama rose literally as one man. Not a shot was fired by a single man on the isthmus in the interest of the Colombian Government. Not a life was lost in the accomplishment of the revolution. The Colombian troops stationed on the isthmus, who had long been unpaid, made common cause with the people of Panama, and with astonishing unanimity the new republic was started. The duty of the United States in the premises was clear. In strict accordance with the principles laid down by Secretaries Cass and Seward, the United States gave notice that it would permit the landing of no expeditionary force, the arrival of which would mean chaos and destruction along the line of the railroad and of the proposed canal, and an interrup-

tion of transit as an inevitable consequence. The *de facto* Government of Panama was recognized, and the Government of Colombia was notified of our action.

The control, in the interest of the commerce and traffic of the whole civilized world, of the means of undisturbed transit across the Isthmus of Panama has become of transcendent importance to the United States. We have repeatedly exercised this control by intervening in the course of domestic dissension, and by protecting the territory from foreign invasion. In 1853 Mr. Everett assured the Peruvian minister that we should not hesitate to maintain the neutrality of the isthmus in the case of war between Peru and Colombia. In 1864 Colombia, which has always been vigilant to avail itself of its privileges conferred by the treaty, expressed its expectation that in the event of war between Peru and Spain the United States would carry into effect the guaranty of neutrality. There have been few administrations of the State Department in which this treaty has not, either by the one side or the other, been used as a basis of more or less important demands. It was said by Mr. Fish in 1871 that the Department of State had reason to believe that an attack upon Colombian sovereignty on the isthmus had, on several occasions, been averted by warning from this Government. In 1886, when Colombia was under the menace of hostilities from Italy in the Cerruti case, Mr. Bayard expressed the serious concern that the United States could not but feel that a European power should resort to force against a sister republic of this hemisphere, as to the sovereign and uninterrupted use of a part of whose territory we are guarantors under the solemn faith of a treaty.

History establishes beyond question: First, that the United States has for over half a century patiently and in good faith carried out its obligations under the treaty of 1846; second, that when for the first time it became possible for Colombia to do anything in requital of the services thus repeatedly rendered to it for fifty-seven years by the United States, the Colombian Government peremptorily and offensively refused thus to do its part, even though to do so would have been to its advantage and immeasurably to the advantage of the State of Panama, at that time under its jurisdiction; third, that throughout this period revolutions, riots and factional disturbances of every kind have occurred one after the other in almost uninterrupted succession, some of them lasting for months and even for years, while the central government was unable to put them down or to make peace with the rebels; fourth, that these disturbances,

instead of showing any sign of abating, have tended to grow more numerous and more serious in the immediate past; fifth, that the control of Colombia over the Isthmus of Panama could not be maintained without the armed intervention and assistance of the United States. In other words, the Government of Colombia, though wholly unable to maintain order on the Isthmus, has nevertheless declined to ratify a treaty the conclusion of which opened the only chance to secure its own stability and to guarantee permanent peace on, and the construction of a canal across, the Isthmus.

Under such circumstances the Government of the United States would have been guilty of folly and weakness, amounting in their sum to a crime against the nation, had it acted otherwise than it did when the revolution of November 3 last took place in Panama. This great enterprise of building the interoceanic canal can not be held up to gratify the whims, or out of respect to the governmental impotence, or to the even more sinister and evil political peculiarities, of people who, though they dwell afar off, yet against the wish of the actual dwellers on the isthmus, assert an unreal supremacy over the territory. The possession of a territory fraught with such peculiar capacities as the isthmus in question carries with it obligations to mankind. The course of events has shown that this canal can not be built by private enterprise, or by any other nation than our own; therefore it must be built by the United States.

Every effort has been made by the Government of the United States to persuade Colombia to follow a course which was essentially not only to our interests and to the interests of the world, but to the interests of Colombia itself. These efforts have failed; and Colombia, by her persistence in repulsing the advances that have been made, has forced us, for the sake of our own honor, and of the interest and well-being, not merely of our own people, but of the people of the Isthmus of Panama and the people of the civilized countries of the world, to take decisive steps to bring to an end a condition of affairs which had become intolerable. The new Republic of Panama immediately offered to negotiate a treaty with us. This treaty I herewith submit. By it our interests are better safeguarded than in the treaty with Colombia which was ratified by the Senate at its last session. It is better in its terms than the treaties offered to us by the Republics of Nicaragua and Costa Rica. At last the right to begin this great undertaking is made available. Panama has done her part. All that remains is for the American Congress to do its part, and forthwith this Re-

public will enter upon the execution of a project colossal in its size and of well-nigh incalculable possibilities for the good of this country and the nations of mankind.

By the provisions of the treaty the United States guarantees and will maintain the independence of the Republic of Panama. There is granted to the United States in perpetuity the use, occupation, and control of a strip ten miles wide and extending three nautical miles into the sea at either terminal, with all lands lying outside of the zone necessary for the construction of the canal or for its auxiliary works, and with the islands in the Bay of Panama. The cities of Panama and Colon are not embraced in the canal zone, but the United States assumes their sanitation and, in case of need, the maintenance of order therein; the United States enjoys within the granted limits all the rights, power, and authority which it would possess were it the sovereign of the territory to the exclusion of the exercise of sovereign rights by the republic. All railway and canal property rights belonging to Panama and needed for the canal pass to the United States, including any property of the respective companies in the cities of Panama and Colon; the works, property, and personnel of the canal and railways are exempted from taxation as well in the cities of Panama and Colon as in the canal zone and its dependencies. Free immigration of the personnel and importation of supplies for the construction and operation of the canal are granted. Provision is made for the use of military force and the building of fortifications by the United States for the protection of the transit. In other details, particularly as to the acquisition of the interests of the new Panama Canal Company and the Panama Railway by the United States and the condemnation of private property for the uses of the canal, the stipulations of the Hay-Herran treaty are closely followed, while the compensation to be given for these enlarged grants remains the same, being ten millions of dollars payable on exchange of ratifications; and, beginning nine years from that date, an annual payment of $250,000 during the life of the convention.

The Panama Revolution

Senate, December 9, 1903

On December 9, 1903, George F. Hoar (Massachusetts) offered a resolution in the Senate inquiring of the President for information which might be in his

possession upon the subject of the revolution in Panama. It wished to know:

Whether at the time of the ratification of the treaty Panama had successfully established its independence, had lawfully adopted a constitution, and had given authority to the persons with whom said treaty purports to have been made to negotiate and ratify the same;

Also, the population of said Republic of Panama at that time, its capacity for self-government, and the race and character of the persons composing it;

Also, whether the officials negotiating or ratifying the treaty on the part of Panama had any personal or private interest in or relation to the construction of a canal across the Isthmus of Panama;

Also, whether the constitution of the Republic of Colombia authorized the secession of Panama therefrom, and whether Colombia was prevented by the action of the United States or by any officer or force under the jurisdiction of the same from attempting to assert its authority or to prevent such secession, and what instructions, if any, had been given by the Government of the United States to such officers, whether civil, military, or naval, and whether if any action had been taken by such officers without special authority what action was so taken, and whether such action has been approved or disapproved by the Government of the United States;

Also, at what time information of any revolution or resistance to the Government of Colombia in Panama was received by the Government of the United States or any department thereof, and whether any information was received of any expected or intended revolution before it occurred, and the date of such information.

On December 17 Senator Hoar spoke to his resolution.

No man in this country desires more eagerly than I do—I doubt if there be a man living who desires so eagerly as I do—to support the Administration and to act with my Republican associates in this matter. I desire the building of the canal. It is one of the great landmarks, rarely found once in a century, in the progress of humanity, bringing nations together and making the whole world kin. I hope it is a laudable ambition—at any rate, it is my ambition—that this may be accomplished

in my time by the party with which I have acted from my youth and by the Administration of my choice. Nothing can be more delightful to me than that it shall be accomplished by the President of whom I have supposed I had the right to speak as an honored and valued personal friend. It is a dear ambition, also, that my vote may be recorded in its favor. But let this great transaction be wrought in the great way which alone is worthy of it. Let it be brought to pass, if it may be, by the unanimous consent of all parties and the united action of all the people. If, unhappily, that be impossible, at least let it be without the taint or the suspicion of national dishonor.

Now, Mr. President, I do not care to inquire too scrupulously whether the President has waited long enough for his recognition of the *de facto* government in Panama. The question whether and when he shall recognize any government is left, in general, by the Constitution to his sole discretion, a discretion which must be binding upon all other departments.

What we want to know is this: Whether our Administration, knowing or expecting beforehand that a revolution was coming, so arranged matters that the revolution, whether peaceable or forcible, should be permitted to go on without interruption, and only took measures to stop the Republic of Colombia from preventing it. Did the President, or the Secretary of State, or any other department of our Government purposely prevent Colombia from anticipating and preventing a breach of the peace and a disturbance of the transit across the isthmus by sending her troops there before it happened, and so virtually let the revolution take place, and say to Colombia: "You shall take no precautions to stop it"? Did we, in substance, say to Colombia: "We will not allow you to prevent a revolution in your province of Panama by moving your forces there" before it broke out?

Now, it appears from the House documents that the uprising took place in the city of Panama at about 6 o'clock in the afternoon of the 3d of November, 1903.

The following order was sent to the *Nashville* on November 2 (Monday):

NAVY DEPARTMENT,
Washington, D. C., November 2, 1903.

Nashville (care American consul), *Colon:*

Maintain free and uninterrupted transit. If interruption threatened by armed force occupy the line of railroad. Prevent landing of any armed force with hostile intent, either government or insurgent, either at Colon, Porto Bello, or other point. Send copy of instructions to senior officer present at Panama upon arrival of *Boston*. Have sent copy of instructions and have telegraphed *Dixie* to proceed with all possible dispatch from

Kingston to Colon. Government force reported approaching the isthmus in vessels. Prevent their landing if in your judgment this would precipitate a conflict.

DARLING, *Acting.*

So it is clear that at least twenty-four hours, perhaps forty-eight hours, before the revolution broke out our Government had instructed its man-of-war to prevent the Government of Colombia from doing anything in anticipation of the revolution to prevent it. This message, as appears from the dispatch of November 3, Tuesday, had been sent on November 1, Sunday, three days before the revolution. November 3, at 8.45 p. m., before our Government had received any notice of the revolution, orders had been sent to the consul at Colon that the troops should not be allowed to proceed to Panama. The intended revolutionary movement had been known to a very few persons only at Colon up to 8 a. m. on the 4th of November. It was not known by the Government party in Colon, by the Conservative party, or by the Colombian forces at Colon when the dispatch received at 3.35 in the afternoon of November 4 was sent.

The Republic of Panama was recognized by the President on or before November 6. The precise date of that recognition is not given in the House documents.

Now, Mr. President, I want to know, I think the American people want to know, and have a right to know, whether this mighty policeman, instructed to keep the peace on that isthmus, seeing a man about to attack another, before he had struck his blow, manacled the arms of the man attacked, so that he could not defend himself, leaving his assailant free, and then instantly proceeded to secure from the assailant the pocketbook of the victim, on the ground that he was *de facto* the owner?

Mr. President, it may be said that it is almost an affront, certainly a great incivility, to ask such a question. It may be said that anybody who knows the President knows that he is incapable of intrigue or indirection or artifice. And there is very great force in that suggestion. From all I have ever seen or known Mr. Roosevelt is the last man living who would be capable of such a thing as that. His faults, if he have them, I have always expected would come from a brave and honest and perhaps somewhat impetuous nature that would ever seek to attain great objects in a great way. But the President himself has suggested and invited the desire for this explanation. He has thought it due to himself that the American people should know that nothing of the kind could be imputed to him. He has repelled with scorn the suggestion of such an imputation.

He has taken the uncommon step of communicating to the press extracts from a message which he had prepared to send to Congress, written before the revolution occurred in Panama, in order that the American people might know that it was impossible that he had expected it and still more impossible that he had done anything to bring it about. I did not think myself that such an assurance to the public was at all necessary. If the President had sent for any member of the Senate and had proposed to show him that message, he would, I think, have been told there was no occasion for him to seek to prove by any evidence beyond that of his own character that he had had nothing to do with any indirection or artifice. But he decided otherwise. And, having decided otherwise, I suppose he will like to have the imperfect evidence afforded by the communication to the House of Representatives and by the message at the beginning of the present session made complete, and whatever is lacking to a complete answer to the charges which have been made in the press supplied.

Now, Mr. President, as the matter stands on the information given to the House in Document No. 8 the shores of Colombia were patrolled by armed vessels of the United States in order that that government—the government of the country—should not take any steps to prevent it.

It does not appear in that document where or from whom our Administration secured the information that led to these orders.

According to the documents sent to the House by the President the first tiding of any revolution that came either from Panama or Colon, or any expected revolution, came November 3, the day the revolution happened. As the statement is now left in the official communication to Congress, this revolution was known at Washington before it was known on the isthmus. All our Government, by its own statement, seems to have done in its anxiety that transit should not be disturbed was not to take measures that violence should not occur, but to take measures that violence should not be prevented. It performed its duty of keeping uninterrupted the transit across the isthmus only by interrupting it itself—interrupting it itself in its most sacred and rightful use, that of the lawful government of the country moving its own troops over its own territory, that it might prevent a breach of its peace and an unlawful revolution against its authority.

Mr. President, is there any doubt that, as now standing unexplained, this was an act of war?

Colombia was a friendly nation. She owned that territory. We have admitted all that by receiving a minister from her, and sending a minister to her, and negotiating with her for a purchase of her rights.

It is said that she negotiated a treaty with us by her executive, and then that her executive took no steps to persuade her congress to ratify it. Indeed, she did exactly what we did with Denmark thirty years ago, in the case of St. Thomas.

Is not this an act of war upon a friendly though weak nation as it stands in these imperfect documents? Suppose, under the Pauncefote treaty, where Great Britain guarantees the neutrality of the canal, she were to send an armed force to keep us off when we were sending our troops in a ship to do the same thing? Should not we repeat to his lordship at the foreign office Mr. Adams' simple and sublime sentence: "It is superfluous to observe to your lordship that this is war"?

One thing more. I do not observe that any country on this continent has yet recognized the Republic of Panama. Russia and Germany and Austria and China have hastened to recognize it. France, whose people have a strong pecuniary interest in the sale of the old canal property, has joined them, and, I believe, three or four of the northern European states, but, except France, no republic from the Gulf to Cape Horn. The nations so far stand aloof. Do you think it well to proclaim to the sixteen republics at the south that, if they are weak, or even if they are liable to frequent revolution, we will deal with them hereafter, if we fancy it for our interest, as we are charged with having dealt with Colombia?

Are we willing to say that if this revolution had not happened we meant to take that strip of territory by the strong hand and to pay Colombia what we should think proper damages? Do you claim that every South American nation holds its property subject to our right of eminent domain?

We have decided that the Panama route is the best route. But there are a good many people who think the Nicaragua route better and that we must yet go there. We all thought so three years ago. If that turn out to be true, are we going to take that in the same way? Is this doctrine of eminent domain, of which we have heard so much, likely to help us get the coveted markets of South America or to make them like us better as customers or producers? I think, Mr. President, that we ought to have, and that we ought to have now, and if this resolution be adopted we shall have, the authoritative declaration by the President of the United States and Congress which will compose and

forever put an end to these fears, whether they exist at home or abroad.

If this be our policy and it go on, if any disaster come to the great Republic—which Heaven avert—and our country shall perish, she will be mourned only by despots, and her overthrow will be hailed with exultation and triumph by every people in the Western Hemisphere from the Arctic Ocean to Cape Horn.

Mr. President, the question of one revolution more or less in a little South American republic may seem of infinitesimal importance. The question whether we wait five minutes, or five days, or five years before we recognize a new government is not of great importance, if that be all. Even then, if this five-minute act of revolution be absolutely contemporaneous with our getting for ourselves the larger part of the country against whom the revolution takes place, it seems to me to be due to our own character to walk circumspectly. But we are setting a great precedent in international law and declaring by an example far more impressive than any precept what rule of conduct we propose to observe in the future toward sixteen South American republics who are all existing to-day under like conditions. We are saying to every despotic country in Europe that, so far as we are concerned, there will never be any objection, any active opposition, or even any moral condemnation on our part if they do the same thing when they shall see fit.

Now, I do not undertake to say—I do not say—that there has been anything, so far, on the part of our Government liable to any just criticism. But the American people and the Senate, as yet, know only part of the story. They are, in my judgment, entitled to know the whole, and to know it now, before action be taken upon the Panama treaty.

We are entitled to know it in the way prescribed by the established custom of the Government for a century—by an official communication from the Executive to one or the other House of Congress, and not to get it through some individual Senator, whose information may be colored, unconsciously, by his own wishes, or by what he fancies to be the wishes of anybody else, still less by the unofficial public utterances of the representatives of foreign states, or even of officials in our own executive departments.

Joseph B. Foraker (Ohio) opposed the resolution as untimely.

Mr. President, as I read these telegrams in the light of our duty and obligation to Panama with respect to the transit across the isthmus, I see no occasion to draw therefrom any inference except only that the President of the United States was alert to do, in a patriotic way, his duty as the President of the United States.

The President has stated that there was no connivance and no intrigue, and yet the Senator from Massachusetts, reading these telegrams, seems to have an idea that the President shall submit proof to him that he was telling the truth when he made the statement that he had not connived and had not intrigued. Now, the situation in Panama was one as to which there was common knowledge to all informed newspaper-reading people throughout this country.

The very moment we sent that treaty to the United States of Colombia for action there, for them to ratify it, there was evidenced a disposition unfriendly to it, a disposition that grew stronger and stronger in its manifestation, until, finally, the rejection came.

What did that mean to Panama? Take the map and look at it—a mere isthmus, as it is properly called. Colombia situated in South America; Panama as disconnected as a state could possible be, both by water and by the nature of the land that intervened. To that little department of Panama the construction of the canal at that point meant the most important advantage to her that you could possibly conceive. For that canal not to be constructed there, but to be constructed at some other place, meant the most positive disadvantage to her.

She was intensely in favor, therefore, of this canal being constructed at that place, and in favor, therefore, of the ratification of that treaty. But, despite all she could do, the treaty was rejected. At once it became known through the newspapers —not by any agent sent here or sent elsewhere, but as common knowledge, reported by the Associated Press and otherwise—that the people of Panama were in a state of discontent and that they would not submit to such disregard of their interests by the government under which they were then living. It became at once known, in other words, that she was proposing to secede and set up an independent government for herself.

That was published everywhere. No agent came to the President of the United States. The President of the United States sent no agent to Panama. It was not necessary. Panama was acting in her own interest. She was exercising her right to object to the action of her government, and, her government

persisting in wronging her, she had a right, if she saw fit, to go into rebellion.

In other words, weeks before she declared her independence it became known that she would take that step—not officially, but it became known to every man who studied the situation and considered what human nature would do under such circumstances. The clouds were gathering. Should the United States, through its Administration at Washington, be unmindful of that fact? Not at all. It was our duty to be watchful with respect to it under any circumstances, but particularly so in view of our obligations to preserve that transit free from interruption.

Ever since 1846, when the treaty between this Government and New Granada, as that country was then called, was entered into, we have been under that obligation. Time and again we have landed our marines to preserve order and to protect that transit from interruption and embarrassment. Repeatedly we have done that at the request of Colombia; we have done it in a number of instances on our own notion. The President of the United States, seeing the storm coming, seeing the action that was threatened, remembering his obligation to preserve peace and order and protect that transit from interruption, did only his duty in taking all preliminary necessary steps to preserve order when such a contingency should arise.

Mr. President, as is suggested to me, suppose he had not done it; suppose the rebellion had come; that secession had been accomplished; that war had ensued, and all the results that accompany war had followed, what would have been the criticism then of our friends on the other side? It would have been a criticism, not that the President had acted precipitately, not that he had acted without cause, but that he had not acted at all; that he had lost the canal after the United States had expressed her preference for it, and after the people of the whole country, without regard to party and without regard to section, had demanded it.

We are given the date when the secession occurred; we are given the date when the recognition was accorded, and we are asked to believe, if we agree with the Senator from Massachusetts, that there was inordinate haste, indecent haste, in granting that recognition.

What are the facts? What are the precedents, first? In 1871, when the Republic of France was established, we recognized it immediately. The date of our cablegram instructing Minister Washburne to recognize the Republic of France was dated the next day. That apparent delay of a day was only be-

cause of the difference in time. France had no constitution, but it was a great, mighty people, forty millions or more, who had set up a republic dedicated to freedom and to human liberty, and this great Republic at once responded with recognition.

NELSON W. ALDRICH [R. I.].—We did not even ask France, as I remember, whether the government which had been overthrown consented.

SENATOR FORAKER.—No.

Now, in 1873 they established a republic in Spain. There was no delay. Later, when the Emperor of Brazil was deposed, the republic that followed him was instantly recognized, and other examples might be cited.

Mr. President, there was no reason in the case of France or Spain or Brazil for precipitate or hasty action; we had no special duties there; but in the case of the Republic of Panama it was different. What are the conditions, according to international law, that are sufficient to justify us in instantly recognizing a new government, as we did in the case of France, Spain, and Brazil?

The only condition necessary—and it does not make any difference, in the language of the Senator from Massachusetts, whether it be brought about in five minutes or five days or five months—is that the new government shall be the sole authority throughout the region over which it undertakes to govern, and that there is no contention and no disputed authority. It is not necessary to go that far. But when those conditions exist to that extent, then, according to all international canons of law, a recognition is in order at the option of the recognizing government.

In the case of Panama it was not only true that the Republic of Panama was the only authority there of a governmental nature, that that authority was supreme throughout her borders, but it was also true that there was not even a policeman representing Colombia within the department of Panama. They had a little army there when the trouble commenced—400 men, with some generals and colonels—and they were all quietly picked up, without the shedding of one drop of blood, and put on a transport and sent back to their own home. That completed the revolution.

But, Mr. President, there was a necessity in the case of Panama which required prompt action on our part, as there was no necessity in the other cases to which I have referred. These conditions existing, we would have been without excuse if we had halted in recognition. The necessities to which I have

referred are these: Under the treaty of 1846 we had a duty at that time incumbent upon us, as it has been ever since the ratification of that treaty down to the present moment, to preserve that transit free from interruption.

War being threatened, a condition of things being threatened that promised an interruption, it was the duty of this Government to be prepared to prevent it; and, instead of criticising President Roosevelt for the action he took, he ought to receive, and he will receive, from the American people their unqualified approbation for that which he did in this respect, because that which he did was but to redeem the promises and obligations of our Government, just as other Administrations have done the same thing over and over again.

We do not have to wait until there is actual war. We do not have to wait until there is a hostile force landed and engagements actually commence and blood is being actually shed. It is much better, Mr. President, foreseeing the situation of which all have common knowledge, to take effective steps to prevent these conditions that would have followed but for our intervention.

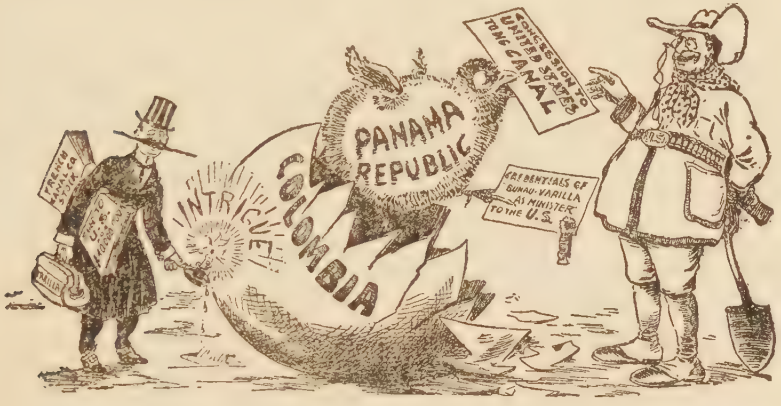
Mr. President, no Senator on this side, I am sure, has the slightest objection to all possible information being given with respect to this whole transaction; no Senator on this side has the slightest objection to all the light being had on this transaction that can be shed on it, but there is a time and there is a place for Senators to discuss propositions of this character. Here in this open session is not the time nor the place. I have undertaken to say enough only in answer to the Senator from Massachusetts to show that the President in this matter did not act hastily; that he did not act without precedent or without the warrant and authority of international law, and that he did not act contrary to, but strictly in conformity with, his official obligation, charged as he is, as the head of this nation, with the faithful execution of all our treaty obligations.

I have no hesitancy in saying, Mr. President, that I have the profound conviction that, when this matter is thoroughly understood, even our Democratic friends will hesitate to criticise him. Certainly they will hesitate, at any rate, when they make their nonpartisan speeches, of which we have heard so much, and then give their nonpartisan votes.

On December 18 John T. Morgan (Alabama) submitted several resolutions, of which the following sum up the whole:

Resolved: That the President has no lawful right or power, without the consent of Congress, and under the conditions that exist in Panama, to use the military and naval forces of the United States to prevent Colombia from enforcing her claim to the proper exercise of her sovereignty and to execute her laws in the department of Panama by any form of coercion that is consistent with the laws of nations and is not in conflict with any right of the United States.

Resolved: That the intervention by the President is contrary to the law of neutrality enacted by the Congress of the United States, and is contrary to the laws of nations.



THE MAN BEHIND THE EGG

By Craik, in the New York "Times"

Edmund W. Pettus [Ala.] supported the resolutions.

Panama, as we are informed by the Administration, is an "independent republic." If that is a correct statement, the serious question for our consideration is: How, and by what agencies, did Panama become an independent nation?

Was the new state born under and according to the law of nations, or was it unlawfully and "untimely ripped" from its mother's womb? And, if this new nation was so unlawfully and untimely ripped, was the honor of our country neglected or tarnished by this unlawful birth?

Our country is now a national giant. God forbid that this Republic should ever be too great to earnestly and diligently guard and preserve the honor of our people.

I desire first to call the attention of the Senate to the general duties of one nation to another. Mr. Vattel lays it down that—

All nations are therefore under a strict obligation to cultivate justice toward each other, to observe it scrupulously, and carefully to abstain from everything that may violate it. Each ought to render to the others what belongs to them, to respect their rights, and to leave them in the peaceable enjoyment of them. (Vattel's Law of Nations, Cap. V, p. 160.)

Mr. President, I shall not now pause to comment on this great principle of moral and international law. I call it the law of common honesty, and every nation and every man ought to be bound by it.

I next call your attention to the circumstances under which, under the law of nations, one nation may acknowledge the independence of another nation—a newborn nation. That law has been settled for many years. It was settled, in fact, or considered as settled, by the law writers before this nation was born.

But the United States more than any other country on earth has, by its acts and by the declarations of its statesmen, enforced the general proposition which I shall now read from Chancellor Kent, the great Blackstone of American law. This great writer lays it down in a short sentence. He says:

Recognition of the independence of a revolted state is only lawful when such independence is *de facto* established. (1 Kent's Commentaries, p. 25, note 1.)

My God, what a commentary on what we have been doing down in Panama! "Established." The meaning of "established" is not left by these great statesmen and writers to any sort of construction; it can not be frittered away by the logic of a man who brings his great powers of learning and logic to defend an indefensible act.

Mr. President, in considering this subject of the preservation of the honor of the country, that honor ought to be so guarded as not to be made liable to suspicion. We have had heretofore great interest in this question of recognizing the independence of another nation. In the case of Texas we had an interest in it directly, a national interest that Texas should be an independent state because we intended to have Texas as a part of the United States.

In a special message in reference to Texas General Jackson says:

It is scarcely to be imagined that a question of this character could be presented in relation to which it would be more difficult for the United States to avoid exciting the suspicion and jealousy of the other powers and maintain their established character for fair and impartial dealing. But on this, as on every trying occasion, safety is to be found in a rigid adherence to principle.

General Jackson made that statement, although the battle of San Jacinto had been fought, and no Mexican soldier had put his foot on that ground for six or eight months.

I will read another paragraph from that same message of General Jackson. He said:

> The acknowledgment of a new state as independent and entitled to a place in the family of nations is at all times an act of great delicacy and responsibility, but more especially so when such State has forcibly separated itself from another of which it had formed an integral part and which still claims dominion over it. A premature recognition under these circumstances, if not looked upon as justifiable cause of war, is always liable to be regarded as a proof of an unfriendly spirit to one of the contending parties.

Yes, Mr. President, the honor of the nation is worth more than the property of the nation.

Mr. President, I know there are those whose logic is so sharpened that they can prove any proposition in law necessary to sustain the Administration.

In reference to this particular subject there was a claim asserted based on the treaty of 1846 with New Granada. I will call the attention of the Senate to a few matters in reference to that, though I must say that no human being can strengthen the argument that was made by the eminent Senator from Virginia [John W. Daniel] on yesterday. He demonstrated to an almost mathematical certainty that this claim based on that treaty was a bald pretence.

Mr. Seward, Mr. Fish, Mr. Evarts, and Mr. Blaine, each a great Republican statesman and each speaking as Secretary of State for our Government, denied that our treaty of 1846 with New Granada could be so construed as to confer on the United States the power or bind our country to the duty of taking part in a civil war on the isthmus.

Mr. President, it is a bald pretence that Colombia has acted in any other way in reference to the treaty than she had a right to act. People may get mad because they can not make an advantageous contract. I think myself the great Republic of Colombia made a mistake on the money question, but she had a right to make the mistake, and the United States had no right to complain of Colombia. Its Congress had never promised to ratify any treaty, and Congress was the sole power which could ratify.

Mr. President, the particular point on which I wish to conclude is this: The United States is a wonderful power—won-

derful; perhaps the strongest nation, taking it in all its parts, that ever existed on earth.

Now, have we gotten to be so great, has all this power been intrusted to us by our Master that we should abuse it like a bully? I fear we are doing it. I fear we have got too large to be just, and the people of the country fear it. Whenever this nation gets too large to be just, it will be too large to be respected by its own citizens.

Mr. President, there is one view of this subject to which attention ought to be called. I am not disputing, I do not contend in anything I have said, that the Government of the United States can not declare war, can not take part in a war that is already originated. But whoever heard that the President of the United States could make war without the authority of Congress?

War is being made, according to the President's own declaration. He is making war on the Republic of Colombia without any authority from Congress, both by the navy and the army, and for the purpose of securing that 10 miles of land through that country. God forbid that Congress or the people of the United States either should ever approve such a war!

On January 4, 1904, the President sent to Congress a special message relating his action in regard to regard to Panama, and justifying it.

The Panama Revolution

President Roosevelt

The President declared that under the Hay-Pauncefote treaty the United States had assumed the position of guarantor of the building of the canal and of its peaceful use by all nations.

The enterprise was recognized as responding to an international need; and it would be the veriest travesty on right and justice to treat the governments in possession of the isthmus as having the right, in the language of Mr. Cass, "to close the gates of intercourse on the great highways of the world, and to justify the act by the pretension that these avenues of trade and travel belong to them and that they choose to shut them."

It is plain that no nation could construct and guarantee the neutrality of the canal with a less degree of control than was

stipulated for in the Hay-Herran treaty. A refusal to grant such degree of control was necessarily a refusal to make any practicable treaty at all. Such refusal, therefore, squarely raised the question whether Colombia was entitled to bar the transit of the world's traffic across the isthmus.

That the canal itself was eagerly demanded by the people of the locality through which it was to pass, and that the people of this locality no less eagerly longed for its construction under American control, are shown by the unanimity of action in the new Panama Republic. Furthermore, Colombia, after having rejected the treaty in spite of our protests and warnings when it was in her power to accept it, has since shown the utmost eagerness to accept the same treaty if only the *status quo* could be restored.

I pass by the question as to what assurance we have that they would now keep their pledge and not again refuse to ratify the treaty if they had the power; for, of course, I will not for one moment discuss the possibility of the United States committing an act of such baseness as to abandon the new Republic of Panama.

Although, as the months went by, it became increasingly improbable that the Colombian Congress would ratify the treaty or take steps which would be equivalent thereto, yet all chance for such action on their part did not vanish until the Congress closed at the end of October; and within three days thereafter the revolution in Panama had broken out. Panama became an independent state, and the control of the territory necessary for building the canal then became obtainable. The condition under which alone we could have gone to Nicaragua thereby became impossible of fulfillment. If the pending treaty with Panama should not be ratified by the Senate this would not alter the fact that we could not go to Nicaragua. The Congress has decided the route, and there is no alternative under existing legislation.

It was the opinion of eminent international jurists that, in view of the fact that the great design of our guarantee under the treaty of 1846 was to dedicate the isthmus to the purposes of interoceanic transit; and, above all, to secure the construction of an interoceanic canal, Colombia could not, under existing conditions, refuse to enter into a proper arrangement with the United States to that end without violating the spirit and substantially repudiating the obligations of a treaty the full benefits of which she had enjoyed for over fifty years. My intention was to consult the Congress as to whether, under such circumstances, it

would not be proper to announce that the canal was to be dug forthwith; that we would give the terms that we had offered and no others; and that, if such terms were not agreed to, we would enter into an arrangement with Panama direct, or take what other steps were needful in order to begin the enterprise.

Fortunately, said the President, there was no necessity for this course. The imminent revolution broke out in Panama and solved the problem.

I hesitate to refer to the injurious insinuations which have been made of complicity by this Government in the revolutionary movement in Panama. They are as destitute of foundation as of propriety. The only excuse for my mentioning them is the fear lest unthinking persons might mistake for acquiescence the silence of mere self-respect.

By the unanimous action of its people, without the firing of a shot—with a unanimity hardly before recorded in any similar case—the people of Panama declared themselves an independent republic. Their recognition by this Government was based upon a state of facts in no way dependent for its justification upon our action in ordinary cases. I have not denied, nor do I wish to deny, either the validity or the propriety of the general rule that a new state should not be recognized as independent till it has shown its ability to maintain its independence. This rule is derived from the principle of nonintervention, and, as a corollary of that principle, has generally been observed by the United States. But, like the principle from which it is deduced, the rule is subject to exceptions; and there are, in my opinion, clear and imperative reasons why a departure from it was justified and even required in the present instance. These reasons embrace: first, our treaty rights; second, our national interests and safety; and, third, the interests of collective civilization.

By the treaty of 1846 the United States secured the right to a free and open transit across the Isthmus of Panama, and to that end agreed to guarantee to New Granada her rights of sovereignty and property over that territory. This article is sometimes discussed as if the latter guarantee constituted its sole object and bound the United States to protect the sovereignty of New Granada against domestic revolution. Nothing, however, could be more erroneous than this supposition. That our wise and patriotic ancestors, with all their dread of entangling alliances, would have entered into a treaty with New Granada

solely or even primarily for the purpose of enabling that remnant of the original Republic of Colombia, then resolved into the states of New Granada, Venezuela, and Ecuador, to continue from Bogota to rule over the Isthmus of Panama, is a conception that would in itself be incredible, even if the contrary did not clearly appear. It is true that since the treaty was made the United States has again and again been obliged forcibly to intervene for the preservation of order and the maintenance of

THE NEWS REACHES BOGOTA

By W. A. Rogers, in the New York "Herald"

an open transit, and that this intervention has usually operated to the advantage of the titular government of Colombia, but it is equally true that the United States in intervening, with or without Colombia's consent, for the protection of the transit, has disclaimed any duty to defend the Colombian Government against domestic insurrection or against the erection of an independent government on the Isthmus of Panama. The attacks against which the United States engaged to protect New Granadian sovereignty were those of foreign powers; but this engagement was only a means to the accomplishment of a yet more important end. The great design of the article was to assure the dedication of the isthmus to the purposes of free and unobstructed interoceanic transit, the consummation of which would be found in an interoceanic canal.

By a telegram from Mr. Beaupré, our minister at Bogota, of the 7th of November last, this Government was asked whether it would take action "to maintain Colombian right and sovereignty on the isthmus in accordance with article 35 [of] the treaty of 1846" in case the Colombian Government should be "entirely unable to suppress the secession movement there." Here was a direct solicitation to the United States to intervene for the purpose of suppressing, contrary to the treaty of 1846 as this Government has uniformly construed it, a new revolt against Colombia's authority brought about by her own refusal to permit the fulfillment of the great design for which that treaty was made. It was under these circumstances that the United States, instead of using its forces to destroy those who sought to make the engagements of the treaty a reality, recognized them as the proper custodians of the sovereignty of the isthmus.

This recognition was, in the second place, further justified by the highest considerations of our national interests and safety. In all the range of our international relations I do not hesitate to affirm that there is nothing of greater or more pressing importance than the construction of an interoceanic canal. Long acknowledged to be essential to our commercial development, it has become, as the result of the recent extension of our territorial dominion, more than ever essential to our national self-defence. In the light of our present situation, the establishment of easy and speedy communication by sea between the Atlantic and the Pacific presents itself not simply as something to be desired, but as an object to be positively and promptly attained. Reasons of convenience have been superseded by reasons of vital necessity, which do not admit of indefinite delays.

To such delays the rejection by Colombia of the Hay-Herran treaty directly exposed us. Colombia proposed to us to wait until, by the enforcement of a forfeiture repugnant to the ideas of justice which obtain in every civilized nation, the property and rights of the New Panama Canal Company could be confiscated.

That the attempt to carry out this scheme would have brought Colombia into conflict with the Government of France can not be doubted; nor could the United States have counted upon immunity from the consequences of the attempt, even apart from the indefinite delays to which the construction of the canal was to be subjected. On the first appearance of danger to Colombia this Government would have been summoned to interpose, in

order to give effect to the guarantees of the treaty of 1846; and all this in support of a plan which, while characterized in its first stage by the wanton disregard of our own highest interests, was fitly to end in further injury to the citizens of a friendly nation, whose enormous losses in their generous efforts to pierce the isthmus have become a matter of history.

In the third place, I confidently maintain that the recognition of the Republic of Panama was an act justified by the interests of collective civilization. If ever a government could be said to have received a mandate from civilization to effect an object the accomplishment of which was demanded in the interest of mankind, the United States holds that position with regard to the interoceanic canal. Since our purpose to build the canal was definitely announced there have come from all quarters assurances of approval and encouragement, in which even Colombia herself at one time participated; and to general assurances were added specific acts and declarations. In order that no obstacle might stand in our way, Great Britain renounced important rights under the Clayton-Bulwer treaty and agreed to its abrogation, receiving in return nothing but our honorable pledge to build the canal and protect it as an open highway.

In my opinion, no disinterested and fair-minded observer acquainted with the circumstances can fail to feel that Panama had the amplest justification for separation from Colombia under the conditions existing, and, moreover, that its action was in the highest degree beneficial to the interests of the entire civilized world by securing the immediate opportunity for the building of the interoceanic canal. By our prompt and decisive action not only have our interests and those of the world at large been conserved, but we have forestalled complications which were likely to be fruitful in loss to ourselves and in bloodshed and suffering of the people of the isthmus.

Instead of using our forces, as we were invited by Colombia to do, for the twofold purpose of defeating our own rights and interests and the interests of the civilized world, and of compelling the submission of the people of the isthmus to those whom they regarded as oppressors, we shall, as in duty bound, keep the transit open and prevent its invasion. Meanwhile, the only question now before us is that of the ratification of the treaty. For it is to be remembered that a failure to ratify the treaty will not undo what has been done, will not restore Panama to Colombia, and will not alter our obligation to keep the transit open across the isthmus and to prevent any outside power from menacing this transit.

The Senate ratified the treaty with Panama on February 23, 1904, by a vote of 66 to 14. It went into effect on February 26.

NOW WATCH THE DIRT FLY!
By "Scar," in the New York "Globe"

CHAPTER XI

Panama Canal Fortifications and Tolls

Hernando D. Money [Miss.] Introduces in the Senate Resolution to Fortify the Panama Canal—President Taft Speaks in Favor of Fortification—Debate in the House on the Subject: in Favor, Swagar Sherley [Ky.]; Opposed, James A. Tawney [Minn.], General J. Warren Keifer [O.]—William C. Adamson [Ga.] Reports in the House Bill of Majority of Committee on Interstate and Foreign Commerce, Providing Equal Tolls for Ships of All Nationalities; Joseph R. Knowland [Cal.] Makes Minority Report Exempting American Coastwise Ships from Tolls! Minority Report Adopted—Senator James A. Reed [Mo.] Offers Amendment to Bill Forbidding Use of the Canal to Ships Controlled by Illegal Trusts; Carried—Jonathan Bourne [Ore.] Offers Amendment Forbidding Use of the Canal to Ships Controlled by Railroads with Which They Would Otherwise Compete; Carried—Bill Is Enacted.

AS the Panama Canal neared completion the sentiment in the United States strengthened that the Government should assert proprietary rights in the great waterway which it was constructing, and establish guaranties of the same in the form of fortifications and discriminations in tolls in favor of American ships.

On January 19, 1911, Hernando D. Money (Mississippi) introduced in the Senate the following resolution:

Resolved, That it is the sense of the Senate that the Panama Canal should be fortified.

Two days thereafter (January 21, 1911) President Taft, at a dinner of the Pennsylvania Society in New York City, spoke upon the subject as follows:

Fortification of the Panama Canal

President Taft

I am glad to be here and am glad to know that so much of the energy, the enterprise, and the intelligence of New York has

been contributed by the sons of William Penn. William Penn was in favor of peace. So, too, are the men of Pennsylvania. But I assume that they are practical men who do not lose sight of facts and existing conditions in an ecstasy of hope and Utopian enthusiasm.

I am going to invite your attention to the question now pending in Congress as to whether the Panama Canal ought to be fortified. I cannot think that any careful person will read the record of historical facts, treaties, and acts of Congress, and diplomatic negotiations without conceding the full right of the United States to fortify the canal. But memories are short, records are not always at hand, and, without in the slightest degree conceding that the existence of the full right of the United States to fortify her own property on the isthmus is in the slightest doubt, I venture, before considering the question of the policy of fortifying the canal, to refer to the history which makes the right incontestable.

In 1850 we made the Clayton-Bulwer treaty with England, which contemplated a canal built by somebody other than the contracting parties and probably by private enterprise across Central America or the Isthmus of Panama. By that treaty we agreed with England that we would neither of us own any part of the land in which the canal was to be built, and we would neither of us fortify it, and we would unite together in guaranteeing its neutrality and would invite the rest of the nations to become parties to the agreement. The canal was not built under that treaty. The French attempted it and failed. We had a Spanish war. The cruise of the *Oregon* of 12,000 miles along the seacoast of two continents, from San Francisco to Cuba, at a time when the seat of war was in the West Indies fastened the attention of the American people upon the absolute necessity for a canal as a military instrument for doubling the efficiency of our navy and for preventing a division of our forces of defence which might in the future subject us to humiliating defeat. This lesson brought about the effort to modify the Clayton-Bulwer treaty for the very purpose of securing the right on the part of the United States to own the land through which the canal was to be built, to construct the canal itself, and to regain the power to fortify the canal which it had parted with in the treaty of 1850 under other conditions. The correspondence between Lord Lansdowne and Mr. Hay, as well as Mr. Hay's statement to the Senate in transmitting the treaty which was finally ratified, show beyond peradventure that it was recognized by both parties to that treaty, first, that

the canal to be built should be one to be built by the United States, to be owned by the United States, to be managed by the United States, and that the neutrality of the canal which was to be maintained, was to be maintained by the United States; second, that nothing in the treaty would prevent the United States from fortifying the canal, and that, in case of war between the United States and England or any other country, nothing in the treaty would prevent the United States from closing the canal to the shipping of an enemy. In the absence of treaty restriction, of course, these rights inhere in the sovereignty of the United States and the control of its own. It is perfectly palpable that this was insisted upon by the Senate, for the reason that one of the main motives in the construction of the canal was the extension of the coast line of the United States through the canal and the use of the canal in time of war as an instrument of defence. The guaranty of neutrality in the treaty is subject, and necessarily subject, to this construction.

The purpose and assertion of the right of the people of the United States to fortify the canal are shown again in the passage of the Spooner Act in 1902 directing the President to build the canal and to make proper defences. The treaty with Panama reaffirms the treaty with England, made in 1900, and expressly gives to the United States the power of fortification. How, then, can anyone dispute the right of the United States to fortify the canal when the English treaty was amended for the very purpose of regaining it, when it is expressly given in the treaty made with Panama that granted us the land on which to build the canal, and when not a single foreign nation—including in this England, who has made a treaty with us on the subject—has ever seen fit to suggest a lack of power to do that which an act of Congress nine years old directed the President to do, and on the faith of which $500,000,000 are being expended?

The right of the United States to fortify the canal and to close it against the use of an enemy in time of war being established, what should be its policy? We built the canal to help us defend the country; not to help an enemy to attack it. Even if a certain and practical neutralization of the canal by agreement of all nations could be secured to us when engaged in war, an enemy could then use the canal for transit to attack us in both oceans as we propose to use it to defend ourselves. After expending $500,000,000 thus to make our national defence easier, are we to surrender half the military value of the canal by giving the benefit of it to a nation seeking to destroy us? It seems

to me that the very statement of the proposition carries its refutation.

But it is said that we ought to defend the canal by our navy. I am not a strategist; I am not a military or a naval expert; but it seems to me as plain as that one and one are two that a navy is for the purpose of defence through offence, for the purpose of protection by attack, and that if we have to retain a part of our navy in order to defend the canal on both sides, then the canal becomes a burden and not an instrument of defence at all. The canal ought to defend itself, and we ought to have fortifications there which will be powerful enough to keep off the navies of any nation that might possibly attack us. I am glad to see that Capt. Alfred Mahan, one of the greatest naval strategists, in a communication to this morning's *Tribune*, confirms this view.

Again, under our treaty with England and other countries, it is we who guarantee the neutrality of the canal. It is not the other countries that guarantee it to us, and we are bound, if we conform to the treaty with England, to put ourselves in such a condition that we can perform that guaranty. Suppose England is at war with some other country that is not bound to us by treaty rights at all; isn't it essential that we should have fortifications there to protect the canal, not only for our own use and for the world's commerce, but for the use of England and her warships as a means of passage? In other words, we have to preserve that canal as a means of transit to belligerents in time of war as long as we are ourselves not engaged in the controversy.

But it is said that we could induce all the powers to come in and consent to the neutrality of the canal as a treaty obligation. I should be glad to do this if possible; but, even if we do this, can we feel entirely safe by reason of that agreement from a possible injury to the canal by some irresponsible belligerent, at least under conditions as they now are?

Then it is said that the fortifications are going to cost $50,000,000. This is an error. The estimated cost of the fortifications for the canal is $12,000,000. That, I submit, constitutes hardly more than 2 per cent. of the cost of the canal—a first premium for insuring its safety that is not excessive.

It is also said that it will cost $5,000,000 a year to maintain them. This is also an error. I have consulted the War Department, and they advise me that the addition to the annual Government cost of maintenance of fortifications and military establishment in time of peace due to the fortifications of the

canal would not exceed half a million dollars—an annual insurance rate after first cost of a tenth of 1 per cent.

The case of the Suez Canal furnishes no analogy whatever. In the first place, the Suez Canal is nothing but a ditch in a desert, incapable of destruction, and even when obstructed it can be cleared within a very short time. The Panama Canal, by the destruction of the gate locks, could be put out of commission for two years, and the whole commerce of the world made to suffer therefrom.

Again, the land through which the Suez Canal runs is not in the jurisdiction of England or of any one of the five great powers. Many nations partake in the ownership of the canal, and it is not within the control of any single nation. The circumstances under which the Panama Canal has been building, the ownership of the strip, and one of the main purposes for which it was constructed are very different and make it exactly as if it were a canal cut through the narrow part of Florida. It is on American soil and under American control, and it needs our fortifications for national defence just as much as the city of New York needs fortifications, and there is the additional reason that we ought to have them in order to perform our international obligations.

I yield to no one in my love of peace, in my hatred of war, and in my earnest desire to avoid war. I believe that we have made great strides toward peace within the last decade. No one that I know of goes further in favor of settling international controversies by arbitration than I do and, if I have my way and am able to secure the assent of other powers, I shall submit to the Senate arbitration treaties broader in their terms than any that body has heretofore ratified, and broader than any that now exist betwen the nations. In laying down my office, I could leave no greater claim to the gratitude of my countrymen than to have secured such treaties. But I can not permit myself, in the enthusiastic desire to secure universal peace, to bind myself to the possibilities of war. We have not reached the time when we can count on the settlement of all international controversies by the arbitration of a tribunal.

I welcome most highly the rapidly increasing ranks of the advocates of peace. They help to form a public opinion of the world that is, with appreciable progress, forcing nations to a settlement of quarrels by negotiation or peace tribunal. When adjudication by arbitral court shall be accepted, the motive for armament will disappear. But we can not hope to bring about such a condition for decades. Meantime, we must face the facts

and see conditions as they are. Some earnest advocates of peace weaken their advocacy by failing to do this. War is still a possibility; and a President, a Senator, a Congressman who ignores it as something against which proper precautions should be taken subjects himself in time of peace to the just criticism of all reasonable men, and, when war comes and finds the nation unprepared, to the unanimous condemnation of his indignant fellow countrymen.

Fortification of the Canal

House of Representatives, February 25-27, 1911

On February 25 James A. Tawney [Minn.] moved in the House, in connection with a general appropriation bill, an appropriation to enable the President to ascertain whether or not the principal maritime powers were willing to unite with us in a convention or treaty whereby they will be bound not only not to injure or destroy the canal themselves, but to aid us in protecting it against any nation which might declare its purpose to do so.

He spoke as follows:

Mr. Chairman, if it were desirable to invite the nations of the world to destroy the Panama Canal, no better method of extending that invitation could be adopted than to fortify it. We will thereby say to the world that we will insure and protect the neutrality of the canal so long as we deem it necessary or convenient to do so. But when we no longer deem the neutralization of the canal necessary to our interests we will be prepared to violate our solemn treaty obligations with other nations by terminating the neutrality of the canal. In proof of this statement, let me read from the testimony of General Leonard Wood:

> But, as I look at it, one thing is certain. We shall build the canal and maintain it for the use of all countries in time of peace and control it in time of war as our safety and interests demand.

This declaration of purpose, coming from Lieutenant-General Wood, Chief of Staff, when read in the light of our solemn treaty obligations with Great Britain, contained in article 3 of that treaty, which says that "The canal shall be free and open to

the vessels of commerce and of war of all nations observing these rules''—that is, the rules governing the neutralization prescribed in the treaty—discloses a national purpose in respect to our relations with the other nations of the world more in keeping with the diplomatic policies of nations during the Middle Ages than with the high standard of national honor which all nations now profess and endeavor to follow. [Applause.]

In my judgment and, I believe, in the judgment of the great majority of the American people who have not been hypnotized by the policy of militarism, it would be far better for us to rely upon the material interest which every nation in the world has in maintaining the integrity of the canal and protecting it than to construct fortifications for that purpose. If we can not rely for the protection of the canal and its neutrality upon the honor and good faith of the nations for whose benefit the American people, at a cost of $400,000,000, have constructed it, then we can not protect the canal and its neutrality with fortifications.

The attempt, which is the purpose of my amendment, should at least be made before embarking upon a policy which will necessitate a perpetual annual charge upon our people, one that will grow more burdensome as time goes by, and one that may make it necessary in the future to construct additional fortifications and to maintain permanently on the canal zone an army three times the size of the army now proposed, for no man can predict, once we have embarked upon the policy of fortifying the canal, the extent to which these fortifications may be enlarged and extended in the future.

I hope, therefore, that this amendment will be agreed to. If it is, the President will then have an opportunity to ascertain whether the nations of the world are willing, in consideration of the enormous expense the American people have incurred in the construction of the canal for their benefit, to give bond that they will not under any circumstances interfere with the right of the United States to prescribe rules and regulations for the use of the canal, and that they will not, intentionally or otherwise, injure or attempt to destroy it. [Applause.]

Swagar Sherley (Kentucky) replied to Mr. Tawney.

Let the gentlemen who talk about neutrality being observed point to the instances where there has been any real punishment of a nation that has seen fit to violate neutrality. Has Japan been punished by any of the great nations for her violation of

the treaty obligations in regard to Manchuria? Has Austria-Hungary been punished for the violation of the treaty agreements in regard to the Balkan States? Do you suppose that Belgium's neutrality would have been preserved during the Franco-Prussian War if it had not been for the show of force made by Belgium herself? Is Switzerland maintaining an army for nothing? Her neutrality has been guaranteed. It may be that in the far distant future the time will come when international agreements may be observed without any other force than the moral one that should sustain them, but there is nothing in the past history of the world that warrants the assumption that that time is now. Talk about cost! What folly it is, after having expended four hundred odd millions of dollars, to hesitate to spend a few more to protect what is practically a new coast line of America! [Applause.]

Let nobody be deceived by the comparison of the Panama with the Suez Canal. If England did not depend for her position upon having a navy equal to that of any other two nations, she would not be so secure or content in regard to the neutralization of the Suez Canal. Bear in mind, also, that the Suez Canal in its geographical relation is not of prime importance to England. Bear in mind, also, that she is protecting the entrances there, but remember that Panama is right at our door. What means neutrality as gentlemen construe it? It means one of two things: That in case of war between America and another country either the canal shall be closed to both countries or open to both. Have we spent this money in vain? Have we made possible the passage of our fleet from one ocean to the other and then when the need for that passage comes will we agree that it shall not take place except with the long, impossible trip around the Horn? Or take the other proposition: that the canal shall be kept open to both belligerents. Shall we throw away all of our advantage; shall we give to the attacking enemy the right to come through that canal; and, if it had the right to come through it, do you believe it would hesitate to seize it? What would matter the violation of neutrality compared with the possession of one of the greatest assets of the nation?

Mr. Tawney.—A fleet would have to go there before it could enter there and three and one-half miles off the shore belongs to the world.

Mr. Sherley.—What does that mean, that it has to go there? It means that practically you have got to have a fleet in both oceans. But suppose you have a fleet in the Pacific Ocean and the war is with an enemy in the Pacific and it defeats your

fleet. If we had the canal fortified what was left of the fleet could go into that canal, could join the Atlantic fleet or the Atlantic fleet could come through as a reinforcement. But what would you have as a result of the neutrality? The destruction of your fleet would mean instant seizure of the canal, and, bear in mind this, in regard to paying the penalty for violation of neutralization, what will it weigh according to the advantage that would come to the enemy by the seizure of such property as the Panama Canal? The seizure and successful holding of that canal would be sufficient to force this country into terms of peace, and bigger than any danger that it might suffer hereafter in the way of punishment would be the advantage it gained by its possession. Gentlemen, it is resting upon an idle dream to hope that when the stress of war comes nations will be so restrained as not to take advantage of the tremendous temptation that would be held out to them by the non-fortification of this canal. Better abandon the fortification of your seacoast and ask of the world that it enter into agreement to make neutral in time of war your coasts, because practically you have created now a most important coast line of America. [Loud applause.]

On February 27 General J. Warren Keifer (Ohio) spoke in the House against fortification of the canal.

The 1907 Hague Peace Conference adopted rules of war and regulations to govern the rights and duties of neutralized places, which severally prohibit bombardment of undefended ports, neutral territory, and neutral waters, or the commission of other acts which would be a violation of neutralization or which would result in the destruction or seizure of any property of the enemy in time of war, save when imperatively necessary.

These rules and regulations were signed severally by 42 of the powers of the world, the United States heading the list, Russia, Japan, England, France, Germany, Austria, Spain, Argentina, Colombia, and Brazil, and all other great powers being among the number. The United States later, by and with the advice and consent of the Senate, ratified all these rules and regulations, and President Taft, February 28, 1910, proclaimed them of binding force—

"to be observed and fulfilled with good faith by the United States and the citizens thereof."

It will be seen that, without treaty guaranties of neutralization, if the canal is undefended all the powers of the world are

solemnly bound not to fire upon or destroy it, even in time of war in which the United States is a party. The moral force as well as the binding character of these rules and regulations insures their observance.

The policy of the United States, at least since Monroe's Administration, should be respected. Presidents, Secretaries of State, statesmen and patriots, Senators and Representatives have, in unbroken line, favored complete neutralization of any isthmian canal.

The Presidents and great statesmen from Monroe to President Taft did not regard international neutralization treaties as infringing the Monroe Doctrine.

No instance during that time will be found where the right to neutralize the canal when built was opposed, or the right of the United States to fortify it was advocated, unless, possibly, by a very small minority of Senators during the proceedings to ratify the Hay-Pauncefote treaties, and they hardly went so far as to favor such right.

The strongest reason, however, even stronger, if possible, than the treaty obligations, is the strategic importance to the United States of neutralizing the Panama Canal in case it is engaged in war. In that event it would not have to defend the canal; its safety would be guaranteed beyond peradventure; its revenues and that of its auxiliary railroad would not be interrupted; our army and navy would be free to pass and repass through it and to operate when and where needed; the great expense for fortifications, harbors, naval stations, drydocks for our navy, and the like, and for additions to the army and navy of the United States, including a substantial increase of officers and men, also battleships, and for other necessary offensive and defensive war preparations and for the cost of sanitation; for transports to continuously carry supplies, and for other expenses of maintenance and the keeping of the canal and its auxiliary railroad on a continuous war footing, would also be saved.

To close the canal, in time of war, to other nations or to the enemy would secure no advantage, nor would any strategic advantage be lost to the United States by keeping it open. If the enemy had a fleet in Atlantic waters, we would meet him there, and if in Pacific waters we would meet him there, and if he had a divided fleet, one in each ocean, we would concentrate our warships and beat him in detail.

If we fortify the canal, we must maintain an army of occupation of great strength at its ends and on its line, likewise fleets

of ships to support the army, and, if the canal should not be held, it would be lost to the United States. In time of war the United States will need its military and naval forces elsewhere.

But by no possibility would the canal be lost to the United States if neutralized, not even by defeat in war. A treaty of neutralization is never broken, and its guarantors would enforce it; and should it, by any possibility, be violated they would require ample indemnity.

The Panama Canal was designed to promote commerce, not war. In the century of discussion over the practicability and necessity of connecting the Atlantic and Pacific Oceans by a canal across the Isthmus not a suggestion has been made, until very recently, either by a President or statesman, that such canal should be built as a necessary war measure. As commerce does not flourish in war times, neutralization has always been insisted on to preserve commerce in time of war as in time of peace. It has been a promise to the civilized world ever since a canal across the Isthmus of Panama was thought practicable that it should, in perpetuity, be neutralized—kept open and free to the ships and flags of all nations "in time of war as in time of peace."

The Republic of the United States, with all its boasted Christian civilization, should be the last to break this sacred promise.

The duty of the United States to neutralize the canal is both of obligation and interest.

It should be neutralized for strategic as well as economic reasons and to promote peace on earth.

On March 15, 1912, William C. Adamson (Georgia) introduced in the House a bill to provide for the opening, maintenance, protection, and operation of the Panama Canal. It was referred to the Committee on Interstate and Foreign Commerce.

It was reported by Mr. Adamson from the committee on March 16. He thus explained the provision in regard to tolls (section 5).

No Discrimination in Canal Tolls

Majority Report of House Committee on Panama Canal

This section requires that tolls shall be imposed and operate uniformly without preference or discrimination upon all vessels of all peoples and all nations, except vessels belonging to the Government of Panama and the Government of the United

States, which include those of the Panama Railroad, all the stock of which is owned by the Government of the United States. These exceptions are made because the "United States enjoys all the rights incident to construction as well as the exclusive right of providing for the regulation and management of the canal." As such it is entitled to all the benefits and profits resulting from ownership and operation thereof. As tolls paid out of the common treasury would instantly return to the same common treasury, such performance would be entirely useless, and in the exercise of common sense will be omitted. We charge other vessels because it is our canal and our service. We pass those belonging to our own Government free because the canal belongs to the Government. The ship and the tolls also belong to the Government. The exemption covers the ships belonging to the Government of Panama because, under the facts and the terms of the treaty with her, which by our treaties with Great Britain we were authorized to make, she became a quasi party to the construction and operation.

While many members of our committee believe that by the terms of our treaties with Great Britain we are prevented from allowing preferential or free tolls to ships of American registry, either coastwise or foreign, the majority of the committee voting for uniform tolls authorize and request the statement—positive, plain, and unequivocal—that no language of this section was chosen or used for the purpose of foreclosing discussion and differing opinions on that question. They authorize the express affirmation that this provision is adopted for present use, disclaiming all intention to declare in this section any construction of the language of the treaty or to establish any precedent or permanent legislative policy or to bind any future Congress should it be deemed expedient or adjudged competent to adopt a different basis. This statement of the committee may be clearly understood by reference to the original and committee prints of the bill, from which the committee adopting this section eliminated all reference to treaties. The language beginning on page 6 with the words "No preference shall be given," etc., which has been criticized as an attempt to construe the treaty and thereby estop us from future consideration of the question, was not quoted from the treaty at all, but was taken from bills introduced by advocates of free or preferential tolls. One containing the same language has been introduced by the leading champion and signer of the minority views [Mr. Knowlton]. Not deeming it necessary at this time nor for this purpose to make a legislative declaration as to the construc-

tion of that part of the treaty, the majority of the committee recommend uniform tolls for reasons which they regard as good and sufficient. First, the financial success of the canal is of prime importance, and its operation is the main object of this bill. Financial returns in the beginning are in doubt.

The majority of the committee believe that for the first few years it is right and just to open the canal and demonstrate what the financial returns will be and what success we will realize in securing and handling traffic before taking up the question of exempting any vessels. We also believe that in opening so vast an enterprise we have that right in order to justify its construction and existence by operating it for a while untrammeled and unshackled by any other issues and interests. We love the American flag and desire the prosperity of American shipping. Most of us disapprove of the methods by which our foreign shipping was driven from the ocean, but Congress is here always and can adopt methods to restore the shipping without hampering the canal operation with that problem. If American ships need the aid of Government, either in foreign or coastwise trade, it ought to be considered as an independent proposition, entirely divorced from the canal subject, so as to avoid all embarrassment in the management of that great project. It is neither fair nor wise to attach the proposition as a condition of canal operation, when separate bills can deal with the matter at any time, expressing the will of Congress much more fairly and distributing the assistance provided by extending it to all coastwise ships rather than by limiting it to the small per cent. of them which will go through the canal. We found from the hearings that the coastwise ships which will pass through the canal do not need the remission of the tolls.

Some promoters and speculators, tickling the cupidity of financiers who wish to finance new enterprises, are willing to build new ships provided the Government, in advance, will assure them bounty or subsidy to the amount of the tolls. Not satisfied with that and the advantages of an exclusive monopoly of the coastwise business, they suggest still other concessions and gratuities from the Government, and have sent out flashing prospectuses of the immense profit promised by the operation of their new ships by the grace of the Government through preferential tolls, and solicit subscriptions for stock with assurances of tremendous dividends. Several companies are already doing an extensive coastwise business with a large number of ships, and some of them are building additional ships. They are all prosperous. Many of their ships will use the canal to the full extent

justified by the traffic, and there will never be wanting ships to do the business if traffic invites. The shortening of distance and time of voyages will insure such reduction in coast-to-coast freight rates as to render the small toll charges we authorize immaterial as affecting competition by the transcontinental railroads or by the Magellan or Cape Horn route unless the coastwise ships themselves keep up the freight rates through the canal. In that event the tolls would alike be immaterial. The operators of coastwise ships and ship lines are very shifty and discreet. They have an eye ever open to the main chance, just like foreign ships and interstate railroads. Of course, it is purely by accident and through inadvertence that they never get in one another's way. Although human, they would scorn combinations. In fact, combinations are unnecessary as well as bad. But these ship companies somehow contrive that lines grow up between certain ports and other lines grow up between other ports, each route between two ports being served by a different line of ships from those running between two other ports, so that it is very rare that any two ports are embarrassed by having to choose between two lines or two ships competing for their business. It is even said that sometimes an irresistible longing arises, spontaneous, it is true, but almost as unerring as if by compulsion, to limit the patronage of the business men of a port to a particular line without encouraging any other. These companies frankly admit that the same courtesy and prudence will be observed among them as to running ships through the Panama Canal.

We further believe that, whether a governmental gratuity is considered as a charity to an unprofitable and dying business or as a bounty to prosperous shipping, the Government should in fairness treat all of the same class alike. All interstate coastwise ships are important. The cities of the Atlantic coast interchange more business with one another than will ever go through both the Panama and the Suez Canals. More business now passes through the Soo Canal between the Great Lakes than will ever patronize both the Panama and the Suez Canals. The coastwise traffic between the Pacific coast cities that will never pass through the canal at all is very important. Ninety per cent. of the coastwise ships, busy all the time in interstate business, will never approach the canal at all. Less than 10 per cent. of all these coastwise ships will use the canal, making longer journeys, charging correspondingly more freight and passenger rates, and making infinitely more money, yet it is selfishly demanded that those few ships (for only a few will be

needed) shall be given their tolls in the interests of interstate trade, while the 90 per cent. rendering service just as valuable in interstate commerce would not participate in the contribution. When we go to voting away the Government's money and credit to special interests, we prefer some method more fair and equitable. This small shipping interest has secured indorsements and recommendations from some trade organizations in various coast cities of the country on the erroneous theory that shippers would secure the benefits of the remitted tolls through reduced freight rates. This is a delusion, pure and simple, as we have already shown. It is also demonstrated by history, observation, and experience. But suppose the shippers did not secure the benefit of the remitted tolls. They would not and could not pass it to their customers. It would be impossible of division, apportionment, and distribution among them. Being impossible, it is admittedly never atempted. Only a small per cent. of the American people will ship freight in considerable quantities through the canal. It is a catchy phrase, plausible, sophistical, and misleading, that "we can use our canal for our own benefit," which is the slogan of the small special interest demanding preferential tolls.

In principle and theory the Government and the people are identical and their interests the same. But the 1 per cent. or less of our population financially interested in ships can hardly be regarded as identical with the whole people nor the sole beneficiaries of the treasury. All the people own the treasury, and the treasury may be replenished by compulsory contributions from all the people. We may rightfully appropriate from the treasury for the benefit of all the people, but giving public funds to special interests would be an unauthorized diversion, and in politics and morals amount to a misappropriation of the people's money. But it is said that it is so easy just to remit the tolls before they go into the treasury. It amounts to the same thing as taking it out of the treasury, where all the tolls belong, and we should not divert any from going in. It is different from prohibitory tariff protection which establishes a condition for transacting business. It is different from excluding foreign competition from the coastwise trade, practiced, not for the reason that, incidentally, it helps to enrich shipowners, but in the interests of sound public policy, not always, however, realized, that aliens should not operate in our domestic commerce and become familiar with our internal affairs. That exclusion also stops with making a condition for highly profitable business. But the remission or refunding of tolls means

taking money already ascertained to belong to all the people and giving it to a favored few. It is also urged that remission should be allowed because it is apprehended that some foreign nations may pay tolls for their ships. We can not understand how that can affect the coastwise ships at all, inasmuch as no foreign ship can participate in the coastwise trade. At once the most plausible and most erroneous contention is, that the canal being an American waterway it would be a departure from our traditional policy of free waterways if we should charge tolls for coastwise ships. Based on false premises, that argument proves too much. If the canal is a purely domestic waterway we should not charge tolls to any vessel. There is no discrimination in the use of American waterways. Ships of all nationalities may use them alike. The Panama Canal is in a foreign country; we secured by treaties with two foreign countries our authority to construct and operate the canal with certain limitations and conditions, and we must act within these bounds.

It is urged that the stipulations for equality do not prevent preference for coastwise ships, because they are not in competition with foreign ships, which can not enter coastwise trade. In effect, the argument is that, being already protected against competition, one discrimination in their favor demands another. Being protected against all competition, they would be also exempt from tolls and place in their coffers the amount saved thereby. We think the treaty stipulations for equality of treatment mean treatment at the canal and nothing else. It is limited to "conditions and charges of traffic," which "conditions and charges of traffic shall be just and equitable." By that stipulation we are bound to levy such charges and establish and maintain such conditions of traffic at the canal as in those respects only will maintain it "free and open without discrimination in these respects."

We are not permitted to consider discrimination made in other respects and elsewhere in connection with the shipping of any country, but are bound by the language and intent of the treaties to preserve fairness and equality without discrimination in respect of "conditions and charges of traffic" at the canal; therefore, the case of Olsen v. Smith (195 U. S., 332), relied on by the advocates of preferential tolls, can have no application to the situation with which we are dealing. Whether two ships of diverse nationality are treated alike or differently in the home ports of either can have no effect or bearing on our treaty obligations to treat them both alike at the canal as to charges and conditions of traffic.

We are neither required nor authorized to use the canal nor its operation as a pretext to attempt the regulation of the commerce of the world nor meddle with any details or conditions of trade away from the canal. There are other methods of dealing with all other subjects. The highest authorities among the advocates of Government aid to domestic ships have recognized that fact by recommending that tolls be collected and refunded, and bills have been introduced for the purpose of refunding its tolls. Let those bills be considered as separate propositions. The only parties as yet to the treaties under which the canal is being constructed are Great Britain, the Republic of Panama, and the United States. If, under the treaty, our ships can be allowed preferential tolls, the other two parties to the treaties will claim similar consideration. If, as we believe, the treaties do not permit such treatment, it is highly probable that both England and Panama would consent to such modification as would permit it. The territory of Panama, as that of Canada, extends from coast to coast, just as in our own case, and both Canada and Panama have coastwise trade and coastwise vessels. With such a modification it would be possible, if our Government wished to inaugurate such an unfair system—that is, unfair to our own citizens—to adopt preferential tolls on such terms as may be provided by the modified treaty. Then the great majority of the ships of the world could and would, easily and promptly, enter the coastwise trade of Canada, the United States, or Panama. As coastwise ships are not prohibited from extending their activities into the foreign trade, the ships of these three countries would immediately monopolize the use of the canal and it would automatically become a free canal. There would be no competing ships to pay the tolls. It may be interesting to note that when the Hay-Pauncefote treaty was pending in the Senate, December 13, 1900, the following amendment was proposed:

"Strike out article 3 and substitute 'The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade.' "

The amendment was rejected on roll call—yeas 27, nays 43.

Those who demand this preference make protestations of patriotism and love for the flag loud and profuse, but those professions are all that they offer for the largess demanded, and experience demonstrates that they would do business under a foreign flag just as readily if more profits were guaranteed thereby. The demand for discrimination in favor of American

ships presents a square issue between a small fraction of the coastwise shipping interests and the entire population of the United States. The question which our committee decides in the negative, practically and substantially stated, is: Shall we, as representatives of the people, take from them, without consideration, return, or recompense, their money and give it to the small special interests operating but a small per cent. of the coastwise trade, who have no right to the money and do not need it, as their business is prosperous—certainly do not need it more than the other 90 per cent. of the coastwise trade against whom the discrimination in refusing to divide the subsidy with them would be as gross as the discrimination claimed against the people who, in the aggregate, are as patriotic as those few claiming preference?

On March 21 Joseph R. Knowland (California), who had introduced a bill providing for no tolls to American ships, submitted the minority report of the committee.

No Tolls for American Ships

Minority Report of House Committee on Panama Canal

Firmly convinced that the United States has the right to relieve American ships engaged in the coastwise trade from the payment of toll charges through the Panama Canal, the undersigned members of the Committee on Interstate and Foreign Commerce dissent from the report accompanying House bill 21969 submitted by the majority of the committee.

The minority enters an emphatic protest against the abandonment in this bill of our historic policy of free commercial intercourse between the States. This great canal, built for the American people by American money, genius, and enterprise, should be forever a free and untrammeled competing route with transportation by land. We can not emphasize too strongly the elementary proposition that tolls levied upon vessels engaged in commerce between our Eastern and Western seaboards increase the amount the transcontinental railroads may charge for the same service. If a vessel *en route* from San Francisco to New York through the canal were required to pay $10,000 in tolls, the transcontinental railroads would largely be the beneficiaries. This question affects every ton of domestic freight that passes through the canal and every ton that is carried across the country by the railroads.

The talk of "subsidizing" the shipping interests at the expense of the American people is mere sophistry and only befogs the issue. The tolls imposed at the canal would be added to the freight and paid by the American people who consume the commodities. We hold this proposition to be fundamental; and, viewed in this light, free tolls to our coastwise trade would not be a subsidy to shipowners, but a concession to the American people. Free tolls at the Panama Canal to our coastwise trade would be the same kind of a "subsidy" that was granted to 41,000,000 tons of shipping that passed through the Soo Canal in 1911. It is true that we levy no tolls upon Canadian vessels using the Soo Canal, but that is because American vessels are accorded the same treatment by the Canadian Government at the Welland Canal. By virtue of a reciprocal arrangement we receive our *quid pro quo* for passing Canadian vessels through the Soo Canal free of charge. We disclaim any antipathy against the railroads, but insist that this initial legislation for the government and management of the Panama Canal shall not take money from the pockets of the American people and give it to the great corporations that have already been munificently treated by the Federal Government.

We can not too strongly protest against the following language contained in section 5 of the bill:

"No preference shall be given nor discrimination shown, directly or indirectly, to the vessels if any nation, its citizens or subjects, other than vessels belonging to the Government of the United States (including those belonging to the Panama Railroad Company) and the Government of the Republic of Panama observing the rules and regulations of the Panama Canal."

This language amounts virtually to an interpretation in advance of the Hay-Pauncefote treaty adverse to the contention that this Government can, directly or indirectly, favor American shipping through an American waterway upon which we are expending over $400,000,000.

The report of the majority in an attempt to explain away this objectionable language, disclaims that it was intended to thus construe the treaty. Regardless of the existence of intent we submit that the language is capable of no other interpretation. It is also argued that no future Congress would be bound. Directing attention to the fact that this is practically an admission that the language is as objectionable as charged, but acknowledging that it might not bind a future Congress, it is evident that, if a controversy arose between this nation and a foreign power involving an interpretation of the treaty, this

language would be cited to prove that the Congress of the United States has itself so interpreted the treaty and thus voluntarily surrendered every commercial advantage and proprietary right incident to the construction of this waterway. As an additional excuse it is charged that, in the bill introduced by "the leading champion and signer of the minority views" the same language was used. This statement is incorrect, as could have been easily ascertained by comparing the bills. The bill of the gentleman from California excepted all vessels of the United States (not Government vessels only), and specifically provided for free tolls for American ships in the coastwise trade. This is a matter of public record.

While disclaiming any intention to interpret the Hay-Pauncefote treaty in favor of foreign shipping interests, the majority report proceeds to call attention to the rejection of an amendment offered in the Senate when the treaty was pending reserving to the United States the right to discriminate in favor of vessels of its own citizens engaged in the coastwise trade. It is a matter of record that this amendment, offered by Senator Bard, of California, was rejected by a vote of 27 yeas and 43 nays. On the same day, however, an amendment was offered reserving the right to the United States to protect said canal in any way it might deem proper. This amendment was rejected on roll call, yeas 27, nays 44, and this was the fate of several other amendments similarly reserving to the United States the right to fortify the canal. It is unnecessary to call attention to the fact that fortifications are now being constructed. With further reference to the Bard amendment we have been granted authority to quote from a letter recently written by Senator Bard, in the course of which he states:

"When my amendment was under consideration *it was generally conceded* by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment."

We contend that our right to favor our own shipping in the matter of canal tolls can not be seriously questioned. The minority is not forced to offer profuse apologies for its position. The message of President Taft sent to Congress in December has the true American ring, and clearly states the case. These are the President's words:

"I am confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to every one, but, when we are dealing with our own ships, the practice of many Governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, as equivalent remission of tolls, cannot be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear."

The Secretary of War [Henry L. Stimson], in his last annual report, is no less outspoken when he declares:

"Involved in the problem of fixing tolls is the question whether the United States has the right under the treaty to pay the tolls on American vessels using the canal. An examination of the treaty and the surrounding circumstances, to my mind, leaves no doubt as to the right of the United States, both legally and morally, to pay the tolls on its vessels. This is a perfectly recognized practice in respect to the tolls of the Suez Canal, the toll rules of which canal were adopted by the United States in the Hay-Pauncefote treaty for the government of the Panama Canal. At least one of our national competitors in the use of the Panama Canal—Spain—has already taken steps to provide for the payment out of her national treasury of the Panama tolls on one of the Spanish lines which will use that canal. Furthermore, I can see no difference, save in form (provided the tolls for other nations are kept reasonable, as we have also covenanted to do), whether the United States should make this appropriation out of her own treasury to American vessels, by receiving the toll money from them first and repaying it to them, or by simply relieving them from the payment of tolls in the first place."

The minority disagrees entirely with the view of the majority that the Hay-Pauncefote treaty makes it impossible for Congress to prefer our own vessels engaged in the coastwise trade. That portion of article 3 of the treaty which it is claimed would be violated by preferring our coastwise trade reads:

"The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

It is manifest, from the reading of the treaty, that its purpose was to prevent discrimination against other nations. That

free tolls to our coastwise vessels would not discriminate against the vessels of other countries becomes apparent when we reflect that under our navigation laws foreign vessels are prohibited from engaging in our coastwise trade. That being true, it is of no concern to foreign nations, their citizens or subjects what treatment we accord to our coastwise trade.

Foreign nations have not considered that they were violating the rules for the neutralization of the Suez Canal by rebating tolls to vessels flying their own flag. The contemporaneous construction that the powers signatory to the convention of Constantinople have given that instrument supports the position of the minority that we have a perfect right under the Hay-Pauncefote treaty to favor our domestic shipping; and, if we have the right to collect the tolls at the canal and repay them, we certainly have the right to remit them in the first instance. It is unnecessary to resort to a device or subterfuge in order to do indirectly what we have a right to do directly.

It will be observed that the treaty provides that "the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality," yet this bill expressly reserves the right of the United States Government to pass its own ships of war through the canal without the payment of any tolls. We confess our inability to see the logic or consistency of the position of the majority that free tolls to ships of commerce would be a violation of the treaty, but that free tolls to ships of war would not be a violation of the treaty. The majority seek to justify the right to exempt war vessels of the United States from the payment of tolls under that clause of the treaty which provides that—

"the United States enjoys all the rights incident to construction as well as the exclusive right of providing for the regulation and management of the canal."

Under any fair construction of the treaty, however, this language must be considered in connection with the rules that are adopted in the treaty for the regulation and management of the canal. In other words, under the treaty the United States enjoys all the rights incident to the construction as well as the exclusive right of providing for the regulation and management of the canal, subject, however, to the rules therein provided for its regulation and management. These rules, as we have already seen, provide that the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality. If this language was

intended to prevent preferring our own vessels, it must apply equally to both vessels of commerce and vessels of war. Such a construction is inconsistent with the very purpose of the canal which was conceived primarily as a military necessity.

The majority dismissed the case of Olsen v. Smith (195 U. S., 332) with the remark that it has no application to the situation with which we are dealing, notwithstanding an examination of the case would have disclosed that, on the question of discrimination, it is on all fours with the subject we are now considering. In that case the treaty with Great Britain provided that—

"no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States."

The court held that this treaty was not violated by either the Texas statute or the Revised Statutes of the United States, section 4444, exempting coastwise steam vessels from the payment of pilotage charges. In that connection, speaking for the court, Mr. Justice White, now Chief Justice, said:

"Nor is there merit in the contention that as the vessel in question was a British vessel, coming from a foreign port, the State laws concerning pilotage are in conflict with the treaty between Great Britain and the United States, providing that 'no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States.' Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of the vessels of the United States in such trade. In substance the proposition but asserts that, because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign."

If a treaty with Great Britain providing that "no higher or other duties or charges shall be imposed in any ports of the United States on British vessels than those payable in the same ports by vessels of the United States" is not violated by an exemption in favor of our own vessels engaged in coastwise trade from payment of pilotage charges, it must necessarily follow that the Hay-Pauncefote treaty would not be violated by a similar exemption of our coastwise vessels from the payment of tolls at the Panama Canal.

The Panama Canal is being built on territory which was

purchased by the Government of the United States. We will expend in its construction upward of $400,000,000, and are obligated by treaty to pay the Republic of Panama in perpetuity the sum of $250,000 annually. We occupy the position of sovereign proprietor of the canal and the Canal Zone, a relation that none of the nine powers signatory to the convention of Constantinople sustained with reference to the Suez Canal. The Hay-Pauncefote treaty should be construed in the light of these facts, and when so construed the minority can not escape the conclusion that in signing, ratifying, and proclaiming this treaty to the world we were merely agreeing to the terms and conditions upon which the United States, the sovereign owner of the canal, would permit its use by the other nations of the world, its citizens or subjects.

While disclaiming any intention of construing the Hay-Pauncefote treaty, the majority in the report that accompanies this bill iterate and reiterate their belief that the treaty renders preference to our coastwise trade impossible. The minority believe in the religious observance of our treaty obligations as essential to the maintenance of our own self-respect and the confidence and friendly regard of other nations; but we refuse to assent to the mere suggestion, to say nothing of the bold declaration, that by the Hay-Pauncefote treaty we have, without consideration, bartered away to a foreign nation the constitutional power of Congress to regulate commerce between the United States and encourage the upbuilding and growth of our domestic shipping.

The bill came up for discussion on May 16 and was exhaustively debated along the lines marked out by the opposing committee reports until May 23, when it came to a vote. On May 18 Frank E. Doremus (Michigan) moved to substitute for section 5 one authorizing the President "to prescribe and from time to time change the tolls," and forbidding tolls to be levied upon "vessels engaged in the coastwise trade of the United States." This amendment was passed on May 23 by a vote of 147 to 127. The bill was then passed.

The bill was even more extensively discussed in the Senate than it had been in the House. It came to a vote on August 9. An amendment offered by James A. Reed (Missouri) to the effect that ships in the coastwise trade which were controlled by a person or company

doing business in violation of the Sherman Anti-Trust Act and its supplementary legislation should be debarred from the canal was adopted by a vote of 35 to 28. An amendment offered by Jonathan Bourne (Oregon) to the effect that ships of lines controlled by railroads with which the lines would compete if not so controlled should be debarred from the canal was then adopted by a vote of 36 to 25. Then Elihu Root (New York) moved to strike out the provision of no tolls on American coastwise ships. The motion was rejected without division. The bill was passed as amended by a vote of 47 to 15.

The House disagreed with the Senate amendments and a conference was appointed which made its report on August 14, accepting the Reed and Bourne amendments. The report was agreed to in the Senate on August 16 by a vote of 48 to 18. On August 17 the House agreed to the report without division. President Taft signed the bill on August 24, 1912.

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